

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 14, 2012

**HOUSE FILE 2380**

**H-8229**

1 Amend the amendment, H-8179, to House File 2380 as  
2 follows:

3 1. By striking page 1, line 2, through page 3, line  
4 25, and inserting:

5 <\_\_\_\_. Page 12, after line 1 by inserting:

6 <Sec. \_\_\_\_\_. NEW SECTION. 256.27 Iowa learning  
7 online initiative.

8 1. An Iowa learning online initiative is  
9 established within the department of education to  
10 partner with school districts and accredited nonpublic  
11 schools to provide distance education to high school  
12 students statewide. The department shall utilize  
13 a variety of content repositories, including those  
14 maintained by the area education agencies and the  
15 public broadcasting division, in administering the  
16 initiative.

17 2. Coursework offered under the initiative shall  
18 meet the requirements of section 256.7, subsections  
19 7, 8, and 9, and shall be taught by an appropriately  
20 licensed teacher who has completed an online-learning  
21 -for-Iowa-educators-professional-development project  
22 offered by area education agencies, a teacher  
23 preservice program, or comparable coursework.

24 3. Under the initiative, students must be enrolled  
25 in a participating school district or school, which  
26 is responsible for recording grades received for  
27 initiative coursework in a student's permanent record,  
28 awarding high school credit for initiative coursework,  
29 and issuing high school diplomas to students enrolled  
30 in the district or school who participate and complete  
31 coursework under the initiative. Each participating  
32 school district or school shall identify a site  
33 coordinator to serve as a student advocate and as a  
34 liaison between the initiative staff and teachers and  
35 the school district or school.

36 4. Coursework offered under the initiative shall  
37 be rigorous and high quality, and the department  
38 shall annually evaluate the quality of the courses,  
39 ensure that coursework is aligned with the state's  
40 core curriculum and core content requirements and  
41 standards, as well as national standards of quality for  
42 online courses issued by an internationally recognized  
43 association for kindergarten through grade twelve  
44 online learning.

45 5. The department may waive any requirement that a  
46 subject being studied under the initiative by a student  
47 enrolled in a school district or school participating  
48 in the initiative be a subject that is offered and  
49 taught by the professional staff of the participating  
50 school district or school.>>

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1 2. By renumbering as necessary.

**By** J. TAYLOR of Woodbury

H-8229 FILED MARCH 14, 2012

HOUSE FILE 2380

H-8230

1 Amend the amendment, H-8214, to House File 2380 as  
2 follows:

3 1. By striking page 1, line 2, through page 2, line  
4 50, and inserting:

5 <\_\_\_\_. By striking page 45, line 26, through page  
6 54, line 11, and inserting:

7 <DIVISION \_\_\_\_\_  
8 EARLY LITERACY

9 Sec. \_\_\_\_\_. Section 256.7, Code Supplement 2011, is  
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 33. By July 1, 2013, adopt by  
12 rule guidelines for school district implementation of  
13 section 279.68, including but not limited to basic  
14 levels of reading proficiency on approved assessments  
15 and identification of tools that school districts may  
16 use in evaluating and reevaluating any student who may  
17 be or who is determined to be deficient in reading,  
18 including but not limited to initial assessments and  
19 subsequent assessments, alternative assessments,  
20 and portfolio reviews. The state board shall adopt  
21 standards that provide a reasonable expectation that  
22 a student's progress toward reading proficiency under  
23 section 279.68 is sufficient to master appropriate  
24 grade four level reading skills prior to the student's  
25 promotion to grade four.

26 Sec. \_\_\_\_\_. Section 256.9, subsection 53, paragraph  
27 a, Code Supplement 2011, is amended to read as follows:

28 a. Develop and distribute, or approve, in  
29 collaboration with the area education agencies, core  
30 curriculum technical assistance and implementation  
31 strategies that school districts and accredited  
32 nonpublic schools shall utilize, including but not  
33 limited to the development and delivery of formative  
34 and end-of-course model assessments classroom  
35 teachers may use to measure student progress on the  
36 core curriculum adopted pursuant to section 256.7,  
37 subsection 26. The department shall, in collaboration  
38 with the advisory group convened in accordance with  
39 paragraph "b" and educational assessment providers,  
40 identify and make available to school districts  
41 end-of-course and additional model end-of-course and  
42 additional assessments to align with the expectations  
43 included in the Iowa core curriculum. The model  
44 assessments shall be suitable to meet the multiple  
45 assessment measures requirement specified in section  
46 256.7, subsection 21, paragraph "c".

47 Sec. \_\_\_\_\_. Section 256.9, subsection 53, Code  
48 Supplement 2011, is amended by adding the following new  
49 paragraphs:

50 NEW PARAGRAPH. c. Identify the scoring levels on

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1 approved grade three reading assessments that provide  
2 guidance to a school district for determining the  
3 progress of a student pursuant to section 279.68, and  
4 develop or identify and approve alternative performance  
5 measures for students who are not proficient in  
6 reading. Alternative performance measures approved  
7 pursuant to this paragraph shall include but not be  
8 limited to a demonstration of reading mastery evidenced  
9 by portfolios of student work.

10 NEW PARAGRAPH. d. Establish, subject to an  
11 appropriation of sufficient funds by the general  
12 assembly, an Iowa reading research center to apply  
13 current research on literacy to provide for the  
14 development and dissemination of all of the following:

15 (1) Promising instructional strategies in reading.

16 (2) Reading assessments.

17 (3) Professional development strategies and  
18 materials aligned with current and emerging best  
19 practices for the teaching of reading.

20 Sec. \_\_\_\_\_. NEW SECTION. 256.25 Iowa family literacy  
21 initiative.

22 1. An Iowa family literacy initiative shall  
23 be established and administered by the department  
24 to provide block grants to eligible entities that  
25 integrate early childhood education, adult literacy,  
26 parenting education, and interactive parent and  
27 child literacy activities. If funds are appropriated  
28 by the general assembly for the program, the state  
29 board shall adopt rules for the administration of  
30 the program, which shall be modeled on the federal  
31 even start family literacy program enacted pursuant  
32 to 20 U.S.C. {6381-6381k. For purposes of this  
33 section, "eligible entity" means one or more school  
34 districts that enter into a partnership with one or  
35 more nonprofit community-based organizations, a public  
36 agency other than a school district, a community  
37 college, institution of higher education governed  
38 by the state board of regents, an accredited private  
39 institution as defined in section 261.9, or a public or  
40 private nonprofit organization of demonstrated quality  
41 as determined by the department.

42 2. The department, in consultation with the  
43 child development coordinating council and the  
44 early childhood Iowa state board, shall develop an  
45 application process; establish grant application  
46 selection criteria and priorities; and develop  
47 indicators of program quality which shall be used by  
48 the department to monitor, evaluate, and improve local  
49 family literacy projects operated by grantees. The  
50 department shall develop project standards for all

1 of the project elements established pursuant to this  
2 subsection. A local family literacy project awarded a  
3 block grant pursuant to this section shall include but  
4 not be limited to all of the following elements:

5 a. Identification and recruitment of families most  
6 in need of family literacy services.

7 b. High-quality, intensive instructional services.

8 c. Staff qualifications that meet department  
9 standards.

10 d. Year-round services.

11 e. Coordination with other programs.

12 f. Local independent evaluation, the results of  
13 which shall be used for program improvement and to  
14 determine whether the project is meeting expectations  
15 using the indicators of program quality developed by  
16 the department.

17 Sec. \_\_\_\_\_. Section 256C.3, subsection 3, Code 2011,  
18 is amended by adding the following new paragraph:

19 NEW PARAGRAPH. i. Provision for reimbursement of  
20 reasonable administrative costs for persons providing  
21 contract services for a local program. If justified  
22 by the expenses involved, the administrative costs may  
23 exceed eight percent of the direct costs attributed to  
24 the contract services.

25 Sec. \_\_\_\_\_. NEW SECTION. 279.68 Student progression  
26 ---- remedial instruction ---- reporting requirements.

27 1. Reading deficiency and parental notification.

28 a. A school district shall provide intensive  
29 reading instruction to any student who exhibits a  
30 substantial deficiency in reading, based upon locally  
31 determined or statewide assessments conducted in  
32 kindergarten or grade one, grade two, or grade three,  
33 or through teacher observations, immediately following  
34 the identification of the reading deficiency. The  
35 student's reading proficiency shall be reassessed by  
36 locally determined and statewide assessments. The  
37 student shall continue to be provided with intensive  
38 reading instruction until the reading deficiency is  
39 remedied.

40 b. The parent or guardian of any student in  
41 kindergarten through grade three who exhibits a  
42 substantial deficiency in reading, as described in  
43 paragraph "a", shall be notified at least annually in  
44 writing of the following:

45 (1) That the child has been identified as having a  
46 substantial deficiency in reading.

47 (2) A description of the services currently  
48 provided to the child.

49 (3) A description of the proposed supplemental  
50 instructional services and supports that the school

1 district will provide to the child that are designed to  
2 remediate the identified area of reading deficiency.

3 (4) Strategies for parents and guardians to use  
4 in helping the child succeed in reading proficiency,  
5 including but not limited to the promotion of  
6 parent-guided home reading.

7 (5) That the assessment used pursuant to section  
8 256.9, subsection 53, is not the sole determiner of  
9 promotion and that additional evaluations, portfolio  
10 reviews, performance measures, and assessments are  
11 available to the child to assist parents and the school  
12 district in knowing when a child is reading at or above  
13 grade level and ready for grade promotion.

14 2. Intensive instructional services. A  
15 school district shall do all of the following:

16 a. Provide for the completion of a student  
17 portfolio for any student who exhibits a substantial  
18 deficiency in reading.

19 b. Provide students who exhibit a substantial  
20 deficiency in reading with intensive instructional  
21 services and supports, free of charge, to remediate  
22 the identified areas of reading deficiency,  
23 including a minimum of a daily ninety-minute block of  
24 scientific-research-based reading instruction and other  
25 strategies prescribed by the school district which may  
26 include but are not limited to the following:

- 27 (1) Small group instruction.  
28 (2) Reduced teacher-student ratios.  
29 (3) More frequent progress monitoring.  
30 (4) Tutoring or mentoring.  
31 (5) Transition classes containing students in  
32 grades three and four.  
33 (6) Extended school day, week, or year.  
34 (7) Summer reading programs.

35 c. At regular intervals, apprise the parent or  
36 guardian of academic and other progress being made  
37 by the student and give the parent or guardian other  
38 useful information.

39 d. Establish a reading enhancement and acceleration  
40 development initiative designed to offer intensive  
41 accelerated reading instruction to each kindergarten  
42 through grade three student who is assessed as  
43 exhibiting a reading deficiency. The initiative shall  
44 comply with all of the following criteria:

45 (1) Provide assessments that measure phonemic  
46 awareness, phonics, fluency, vocabulary, and  
47 comprehension.

48 (2) Be provided during regular school hours in  
49 addition to the regular reading instruction.

50 (3) Provide a reading curriculum that meets

1 guidelines adopted pursuant to section 256.7,  
2 subsection 33, and at a minimum has the following  
3 specifications:

4 (a) Assists students assessed as exhibiting a  
5 reading deficiency in developing the ability to read  
6 at grade level.

7 (b) Provides skill development in phonemic  
8 awareness, phonics, fluency, vocabulary, and  
9 comprehension.

10 (c) Includes a scientifically based and reliable  
11 assessment.

12 (d) Provides initial and ongoing analysis of each  
13 student's reading progress.

14 (e) Provides a curriculum in core academic subjects  
15 to assist the student in maintaining or meeting  
16 proficiency levels for the appropriate grade in all  
17 academic subjects.

18 e. Report to the department of education the  
19 specific intensive reading interventions and supports  
20 implemented by the school district pursuant to this  
21 section. The department shall annually prescribe the  
22 components of required or requested reports, including  
23 but not limited to a report on the number of students  
24 retained under this section.>>

25 2. By renumbering as necessary.

**By WINCKLER of Scott**

HOUSE FILE 2380

H-8232

1 Amend the amendment, H-8201, to House File 2380 as  
2 follows:

3 1. By striking page 1, line 2, through page 4, line  
4 15, and inserting:

5 <\_\_\_\_. Page 12, after line 1 by inserting:

6 <Sec. \_\_\_\_\_. NEW SECTION. 256.27 Iowa learning  
7 online initiative.

8 1. An Iowa learning online initiative is  
9 established within the department of education to  
10 partner with school districts and accredited nonpublic  
11 schools to provide distance education to high school  
12 students statewide. The department shall utilize  
13 a variety of content repositories, including those  
14 maintained by the area education agencies and the  
15 public broadcasting division, in administering the  
16 initiative.

17 2. Coursework offered under the initiative shall  
18 meet the requirements of section 256.7, subsections  
19 7, 8, and 9, and shall be taught by an appropriately  
20 licensed teacher who has completed an online-learning  
21 -for-Iowa-educators-professional-development project  
22 offered by area education agencies, a teacher  
23 preservice program, or comparable coursework.

24 3. Under the initiative, students must be enrolled  
25 in a participating school district or school, which  
26 is responsible for recording grades received for  
27 initiative coursework in a student's permanent record,  
28 awarding high school credit for initiative coursework,  
29 and issuing high school diplomas to students enrolled  
30 in the district or school who participate and complete  
31 coursework under the initiative. Each participating  
32 school district or school shall identify a site  
33 coordinator to serve as a student advocate and as a  
34 liaison between the initiative staff and teachers and  
35 the school district or school.

36 4. Coursework offered under the initiative shall  
37 be rigorous and high quality, and the department  
38 shall annually evaluate the quality of the courses,  
39 ensure that coursework is aligned with the state's  
40 core curriculum and core content requirements and  
41 standards, as well as national standards of quality for  
42 online courses issued by an internationally recognized  
43 association for kindergarten through grade twelve  
44 online learning.

45 5. The department may waive any requirement that a  
46 subject being studied under the initiative by a student  
47 enrolled in a school district or school participating  
48 in the initiative be a subject that is offered and  
49 taught by the professional staff of the participating  
50 school district or school.>>

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1 2. By renumbering as necessary.

By MASCHER of Johnson  
WINCKLER of Scott

**H-8232** FILED MARCH 14, 2012

**HOUSE FILE 2380**

**H-8237**

1 Amend the amendment, [H-8181](#), to [House File 2380](#) as  
2 follows:

3 1. Page 1, by striking lines 24 through 34.

4 2. Page 1, by striking lines 45 through 48 and  
5 inserting <content area.>

6 3. Page 3, by striking lines 13 through 15.

7 4. By renumbering, redesignating, and correcting  
8 internal references as necessary.

By VANDER LINDEN of Mahaska

**H-8237** FILED MARCH 14, 2012

**HOUSE FILE 2380**

**H-8240**

1 Amend the amendment, [H-8196](#), to [House File 2380](#) as  
2 follows:

3 1. Page 1, line 19, after <age> by inserting  
4 <unless the parent or guardian of the child notifies  
5 the school district in writing of the parent's or  
6 guardian's intent to remove the child from enrollment  
7 in the school district>

By CHAMBERS of O'Brien

**H-8240** FILED MARCH 14, 2012

**HOUSE FILE 2380**

**H-8241**

1 Amend the amendment, [H-8191](#), to [House File 2380](#) as  
2 follows:

3 1. Page 2, by striking lines 35 through 40.

By BYRNES of Mitchell

**H-8241** FILED MARCH 14, 2012

**HOUSE FILE 2380**

**H-8242**

1 Amend the amendment, [H-8222](#), to [House File 2380](#) as  
2 follows:

3 1. Page 1, after line 30 by inserting:

4 <Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
5 Act takes effect July 1, 2013.>

6 2. By renumbering as necessary.

By J. SMITH of Dickinson  
COWNIE of Polk

**H-8242** FILED MARCH 14, 2012

HOUSE FILE 2380

H-8248

1 Amend the amendment, H-8189, to House File 2380 as  
2 follows:

3 1. Page 1, line 3, after <13> by inserting <and  
4 inserting:

5 <Sec. \_\_\_\_\_. Section 256.7, subsection 26, paragraph  
6 b, Code Supplement 2011, is amended to read as follows:

7 b. Continue the inclusive process begun during the  
8 initial development of a core curriculum for grades  
9 nine through twelve including stakeholder involvement,  
10 including but not limited to representatives from  
11 the private sector and the business community, and  
12 alignment of the core curriculum to other recognized  
13 sets of national and international standards. The  
14 state board shall also recommend quality assessments  
15 to school districts and accredited nonpublic schools  
16 to measure the core curriculum. The state board  
17 shall establish scoring levels of excellence by  
18 which students who achieve those levels on quality  
19 assessments may qualify for a scholarship under the all  
20 Iowa opportunity scholarship program.>>>

**By** MASCHER of Johnson

H-8248 FILED MARCH 14, 2012

HOUSE FILE 2380

H-8249

1 Amend the amendment, H-8179, to House File 2380 as  
2 follows:

3 1. Page 1, line 12, by striking <one-half> and  
4 inserting <eighteen one-hundredths>

5 2. Page 1, line 13, after <pupils> by inserting  
6 <, and shall limit a school district's enrollment of  
7 pupils in educational instruction and course content  
8 that is delivered over the internet to not more than  
9 one percent of the school district's enrollment>

10 3. Page 3, after line 12 by inserting:

11 <Sec. \_\_\_\_\_. NEW SECTION. 256.28 Iowa learning  
12 online initiative.

13 1. An Iowa learning online initiative is  
14 established within the department of education to  
15 partner with school districts and accredited nonpublic  
16 schools to provide distance education to high school  
17 students statewide. The department shall utilize  
18 a variety of content repositories, including those  
19 maintained by the area education agencies and the  
20 public broadcasting division, in administering the  
21 initiative.

22 2. Coursework offered under the initiative shall  
23 meet the requirements of section 256.7, subsections  
24 7, 8, and 9, and shall be taught by an appropriately  
25 licensed teacher who has completed an online-learning  
26 -for-Iowa-educators-professional-development project  
27 offered by area education agencies, a teacher  
28 preservice program, or comparable coursework.

29 3. Under the initiative, students must be enrolled  
30 in a participating school district or school, which  
31 is responsible for recording grades received for  
32 initiative coursework in a student's permanent record,  
33 awarding high school credit for initiative coursework,  
34 and issuing high school diplomas to students enrolled  
35 in the district or school who participate and complete  
36 coursework under the initiative. Each participating  
37 school district or school shall identify a site  
38 coordinator to serve as a student advocate and as a  
39 liaison between the initiative staff and teachers and  
40 the school district or school.

41 4. Coursework offered under the initiative shall  
42 be rigorous and high quality, and the department  
43 shall annually evaluate the quality of the courses,  
44 ensure that coursework is aligned with the state's  
45 core curriculum and core content requirements and  
46 standards, as well as national standards of quality for  
47 online courses issued by an internationally recognized  
48 association for kindergarten through grade twelve  
49 online learning.

50 5. The department may waive any requirement that a

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1 subject being studied under the initiative by a student  
2 enrolled in a school district or school participating  
3 in the initiative be a subject that is offered and  
4 taught by the professional staff of the participating  
5 school district or school.>

6 4. Page 3, after line 24 by inserting:

7 <Sec. \_\_\_\_ . CENTER OF EXCELLENCE FOR ONLINE LEARNING  
8 ---- LEGISLATIVE INTENT. It is the intent of the general  
9 assembly to encourage and support the establishment  
10 of a center for excellence for online learning at the  
11 university of northern Iowa.>

12 5. By renumbering as necessary.

By CHAMBERS of O'Brien

J. TAYLOR of Woodbury

H-8249 FILED MARCH 14, 2012

HOUSE FILE 2380

H-8250

1 Amend the amendment, H-8191, to House File 2380 as  
2 follows:

3 1. Page 1, after line 1 by inserting:

4 <\_\_\_\_. Page 3, before line 26 by inserting:

5 <DIVISION \_\_\_\_

6 CORE CURRICULUM MATTERS

7 Sec. \_\_\_\_ . Section 256.7, subsection 26, paragraph  
8 a, subparagraph (2), Code Supplement 2011, is amended  
9 to read as follows:

10 (2) The rules establishing a core curriculum shall  
11 address the core content standards in subsection 28 and  
12 the skills and knowledge students need to be successful  
13 in the twenty-first century. The core curriculum  
14 shall include social studies and twenty-first century  
15 learning skills which include but are not limited to  
16 civic literacy, health literacy, technology literacy,  
17 financial literacy, and employability skills; and  
18 shall address the curricular needs of students in  
19 kindergarten through grade twelve in those areas.  
20 The department shall further define the twenty-first  
21 century learning skills components by rule. The  
22 provisions of section 256.18 shall be considered by  
23 the state board in developing the core curriculum  
24 requirements.

25 (3) Notwithstanding any provision to the contrary,  
26 an accredited nonpublic school is not required to  
27 meet the core curriculum and core content standards  
28 requirements of this chapter that are in conflict  
29 with tenets and practices of the bona fide religious  
30 institution in charge of the school.>>

31 2. By renumbering as necessary.

By CHAMBERS of O'Brien

H-8250 FILED MARCH 14, 2012

HOUSE FILE 2380

H-8261

1 Amend House File 2380 as follows:

2 1. Page 3, before line 26 by inserting:

3 <DIVISION \_\_\_\_

4 CORE CURRICULUM MATTERS

5 Sec. \_\_\_\_ . Section 256.7, subsection 26, paragraph

6 a, Code Supplement 2011, is amended by adding the

7 following new subparagraph:

8 NEW SUBPARAGRAPH

9 2. Page 3, before line 26 by inserting:

10 <Sec. \_\_\_\_ . Section 256.7, subsection 26, paragraph

11 a, Code Supplement 2011, is amended by adding the

12 following new subparagraph:

13 NEW SUBPARAGRAPH. (4) The provisions of section

14 256.18 shall be considered by the state board in

15 developing the core curriculum requirements.>

16 3. By renumbering as necessary.

**By** CHAMBERS of O'Brien

H-8261 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8233

1 Amend House File 2214 as follows:

2 1. Page 1, line 2, by striking <prohibited> and  
3 inserting <-- approval by city or county electorate>

4 2. Page 1, line 8, by striking <ordinance.> and  
5 inserting <ordinance, except as provided in this  
6 section.>

7 3. Page 1, after line 8 by inserting:

8 <2. a. A city or county may employ the use of  
9 automated traffic law enforcement systems only if the  
10 city or county electorate approves the use of automated  
11 traffic law enforcement systems as provided in this  
12 subsection.

13 b. A city or county that proposes to use automated  
14 traffic law enforcement systems shall adopt a  
15 resolution containing the proposal. The board of  
16 supervisors or the city council shall call a special  
17 election to vote upon the proposal before the county  
18 or city begins installing or using automated traffic  
19 law enforcement systems. The board of supervisors or  
20 the city council shall publish notice of the proposal  
21 at least once, not less than four nor more than twenty  
22 days before the date of the election, in one or more  
23 newspapers which meet the requirements of section  
24 618.14. Notice of the election shall also comply with  
25 section 49.53. The election shall be held on a date  
26 specified in section 39.2, subsection 4, paragraph "a".  
27 The proposal is approved if the vote in favor of the  
28 proposal is equal to at least a majority of the total  
29 vote cast for and against the proposal at the election.  
30 If the proposal is approved by the voters, the board of  
31 supervisors or city council may proceed to install and  
32 use automated traffic law enforcement systems.>

33 4. Page 1, line 9, by striking <2.> and inserting  
34 3.>

35 5. Page 1, by striking lines 18 through 32 and  
36 inserting:

37 <Sec. \_\_\_\_\_. EXISTING AUTOMATED TRAFFIC LAW  
38 ENFORCEMENT SYSTEMS -- SUSPENSION OF USE -- VALIDITY OF  
39 PRIOR NOTICES AND CITATIONS. A county or city that is  
40 using an automated traffic law enforcement system prior  
41 to the effective date of this Act shall discontinue  
42 using the system until a proposal for the use of  
43 automated traffic law enforcement systems is adopted by  
44 resolution and approved by an election as provided in  
45 section 321.5A, subsection 2, paragraph "b", as enacted  
46 by this Act. However, notices of violations mailed or  
47 citations issued pursuant to an ordinance prior to the  
48 effective date of this Act shall be processed according  
49 to the provisions of the law under which they were  
50 authorized.>

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- 1 6. Title page, line 1, by striking <prohibiting>
- 2 and inserting <providing for>
- 3 7. By renumbering as necessary.

**By** SCHULTE of Linn

H-8233 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8234

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with at least one of the  
9 following:

10 a. An official traffic-control signal, to  
11 produce recorded images of motor vehicles entering  
12 an intersection against a flashing red light, steady  
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad  
15 grade crossing, as described in section 321.342,  
16 to produce recorded images of vehicles violating a  
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded  
19 images of motor vehicles travelling at a prohibited  
20 rate of speed.

21 Sec. 2. NEW SECTION. 321.5A Automated traffic law  
22 enforcement systems.

23 A local authority shall not use an automated traffic  
24 law enforcement system except as provided in this  
25 section.

26 1. A local authority may by ordinance authorize the  
27 use of automated traffic law enforcement systems to  
28 detect violations of posted speed limits or official  
29 traffic-control signals which constitute municipal or  
30 county infractions.

31 2. A local authority shall provide signage, in  
32 conformance with the uniform system adopted pursuant  
33 to section 321.252, giving notice of the use of  
34 an automated traffic law enforcement system on the  
35 approach to each location where an automated traffic  
36 law enforcement system is in use as follows:

37 a. A sign shall be posted on each road on the  
38 approach to the next traffic-control signal where an  
39 automated traffic law enforcement system is in use.

40 b. A sign shall be posted on the approach to the  
41 next speed limit zone on a road where an automated  
42 traffic law enforcement system is being used for speed  
43 limit enforcement.

44 c. A temporary sign shall be positioned or posted  
45 on the approach to each location where a mobile  
46 automated traffic law enforcement system is being used  
47 for speed limit enforcement.

48 d. A temporary or permanent sign giving notice of  
49 the use of an automated traffic law enforcement system  
50 for the enforcement of speed limits shall be positioned



1 or posted at a distance in advance of the automated  
2 traffic law enforcement system which, in relation to  
3 the applicable speed limit, would provide adequate  
4 notice to a motor vehicle operator travelling at the  
5 speed limit before entering the range of the automated  
6 traffic law enforcement system.

7 3. Recorded images produced by an automated traffic  
8 law enforcement system evidencing a violation of a  
9 posted speed limit or an official traffic-control  
10 signal shall be reviewed by a peace officer of the  
11 local law enforcement agency to affirm that a violation  
12 occurred and the identity of the motor vehicle involved  
13 in the violation. If following the officer's review,  
14 a notice of a fine or citation is issued to the owner  
15 of the motor vehicle involved in the violation, the  
16 following requirements apply:

17 a. An affidavit bearing the written or electronic  
18 signature of the peace officer shall be included on the  
19 notice or citation.

20 b. The notice or citation shall contain a  
21 statement, in bold type, regarding the process for  
22 appealing the fine.

23 c. The notice or citation shall be sent by ordinary  
24 mail to the owner of the motor vehicle involved not  
25 more than thirty days following the incident giving  
26 rise to the notice of a fine or citation, as evidenced  
27 by the postmark.

28 4. A local authority shall not charge the owner of  
29 a motor vehicle administrative costs in addition to  
30 any civil penalty imposed for a violation detected by  
31 an automated traffic law enforcement system. Civil  
32 penalties imposed for such violations shall not exceed  
33 the following amounts:

34 a. For a violation of an official traffic-control  
35 signal, fifty dollars.

36 b. For a violation of a speed limit, the amount  
37 of the fine established in section 805.8A for an  
38 equivalent speeding violation charged as a scheduled  
39 violation, subject to the limitation established in  
40 section 331.302, subsection 2, for violation of a  
41 county ordinance, or the limitation established in  
42 section 364.3, subsection 2, for violation of a city  
43 ordinance.

44 5. The owner of a motor vehicle shall not be liable  
45 for a violation detected by an automated traffic  
46 law enforcement system if a uniform traffic citation  
47 was issued to the operator of the motor vehicle in  
48 connection with the same violation.

49 6. A local authority that uses an automated traffic  
50 law enforcement system shall file annually with the

1 department of public safety a report comparing the type  
2 and rate of accidents that occurred at each location  
3 where an automated traffic law enforcement system was  
4 employed during the previous year to the type and rate  
5 of accidents at the same location during the previous  
6 consecutive year. The report shall be kept on file and  
7 used by the governing body of the local authority in  
8 evaluating the effectiveness of the automated traffic  
9 law enforcement program in improving public safety.

10 Sec. 3. EXISTING AUTOMATED TRAFFIC LAW  
11 ENFORCEMENT SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
12 CITATIONS. Notices mailed or citations issued of  
13 violations committed prior to the effective date of  
14 this Act, pursuant to a local ordinance authorizing the  
15 use of an automated traffic law enforcement system,  
16 shall not be invalidated by the enactment of this Act  
17 and shall be processed according to the provisions of  
18 the law under which they were authorized.>

19 2. Title page, line 1, by striking <prohibiting>  
20 and inserting <relating to>

21 3. Title page, by striking line 2 and inserting  
22 <systems.>

23 4. By renumbering as necessary.

By WENTHE of Fayette

HOUSE FILE 2214

H-8235

1 Amend House File 2214 as follows:

2 1. Page 1, after line 17 by inserting:

3 <3. Notwithstanding subsection 1, a local authority  
4 that is using an automated traffic law enforcement  
5 system prior to the effective date of this Act may  
6 continue to use the system if the authority certifies  
7 to the department of public safety that the use of  
8 the automated traffic law enforcement system has  
9 improved traffic safety at the location or locations  
10 where it has been in use. The certification shall  
11 be accompanied by documentation containing data to  
12 support the claim of improved traffic safety. A local  
13 authority that submits a certification under this  
14 subsection may continue to use an automated traffic  
15 law enforcement system that is covered under the  
16 certification pursuant to the authorizing ordinance of  
17 the local authority.>

18 2. Page 1, by striking lines 22 through 25 and  
19 inserting <enforcement system shall discontinue  
20 using the system and remove all automated traffic law  
21 enforcement system equipment from the highways on or  
22 before July 1, 2012, unless the local authority has  
23 submitted certification to the department of public  
24 safety pursuant to section 321.5A, subsection 3, as  
25 enacted by this Act.>

26 3. Page 1, by striking line 26 and inserting:

27 <2. Except as provided in section 321.5A,  
28 subsection 3, as enacted by this Act, on July 1, 2012,  
29 all local>

30 4. Page 1, line 28, by striking <However, notices>  
31 and inserting <Notices>

32 5. Page 1, line 29, by striking <such>

33 6. Title page, line 1, by striking <prohibiting>  
34 and inserting <relating to>

35 7. By renumbering as necessary.

**By** SCHULTE of Linn

H-8235 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8236

- 1 Amend House File 2214 as follows:
- 2 1. Page 1, line 2, by striking <prohibited>
- 3 2. Page 1, after line 8 by inserting:
- 4 <2. Notwithstanding subsection 1, a local
- 5 authority that has established an automated traffic law
- 6 enforcement program prior to the effective date of this
- 7 Act shall terminate the program at the earliest date
- 8 possible as follows:
- 9 a. If the local authority has entered into a
- 10 contract for equipment or services relating to
- 11 automated traffic law enforcement systems prior to
- 12 the effective date of this Act, the city may continue
- 13 to use an automated traffic law enforcement system
- 14 or systems to the extent necessary to hold the city
- 15 harmless under the terms of the existing contract. A
- 16 city that continues using an automated traffic law
- 17 enforcement system on or after the effective date of
- 18 this Act, as authorized under this paragraph, shall not
- 19 extend or renew a contract, or enter any new contract,
- 20 for automated traffic law enforcement system equipment
- 21 or services on or after the effective date of this Act.
- 22 b. Upon the expiration of all prior contracts for
- 23 the use of automated traffic law enforcement systems,
- 24 a local authority's ordinance authorizing the use of
- 25 automated traffic law enforcement systems is void.
- 26 However, notices of violations mailed or citations
- 27 issued pursuant to such an ordinance prior to the date
- 28 the ordinance becomes void shall not be invalidated
- 29 under this section and shall be processed according
- 30 to the provisions of the law under which they were
- 31 authorized.>
- 32 3. Page 1, line 9, by striking <2.> and inserting
- 33 <3.>
- 34 4. Page 1, by striking lines 18 through 32.
- 35 5. Title page, line 2, after <systems,> by
- 36 inserting <providing for temporary continuation of
- 37 existing automated traffic law enforcement programs,>
- 38 6. By renumbering as necessary.

By SCHULTE of Linn

H-8236 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8239

1 Amend House File 2214 as follows:

2 1. Page 1, after line 17 by inserting:

3 <3. Notwithstanding subsection 1, a local authority  
4 that is using an automated traffic law enforcement  
5 system prior to the effective date of this Act may  
6 continue to use the system if the authority submits an  
7 affidavit to the department of management on or before  
8 June 30, 2012, certifying that discontinuing the use  
9 of the automated traffic law enforcement system would  
10 create a need for additional property taxes to support  
11 operations and services of the local authority.>

12 2. Page 1, by striking lines 22 through 25 and  
13 inserting <enforcement system shall discontinue  
14 using the system and remove all automated traffic law  
15 enforcement system equipment from the highways on or  
16 before July 1, 2012, unless the local authority has  
17 submitted an affidavit to the department of management  
18 pursuant to section 321.5A, subsection 3, as enacted  
19 by this Act.>

20 3. Page 1, by striking line 26 and inserting:

21 <2. Except as provided in section 321.5A,  
22 subsection 3, as enacted by this Act, on July 1, 2012,  
23 all local>

24 4. Title page, line 1, by striking <prohibiting>  
25 and inserting <relating to>

26 5. By renumbering as necessary.

By T. OLSON of Linn

H-8239 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8245

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 364.22, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 16. a. A civil penalty imposed  
7 for a motor vehicle violation under a city's automated  
8 traffic law enforcement program shall not exceed the  
9 following amounts:

10 (1) For failure to obey an official traffic control  
11 signal, an amount which is twenty-five dollars less  
12 than the amount of the fine established in section  
13 805.8A for an equivalent violation charged as a  
14 scheduled violation.

15 (2) For a speeding violation, the amount of the  
16 fine established in section 805.8A for an equivalent  
17 speeding violation charged as a scheduled violation.

18 b. A city shall not charge the owner of a motor  
19 vehicle administrative fees in addition to any civil  
20 penalty imposed for a violation charged under the  
21 city's automated traffic law enforcement program.

22 c. (1) Notwithstanding section 364.22B or any  
23 other provision to the contrary, a city shall not  
24 contract with a private collection designee for  
25 collection of a delinquent fine imposed for a motor  
26 vehicle violation under a city's automated traffic  
27 law enforcement program sooner than six months after  
28 the initial mailing of the notice of the fine to the  
29 owner of the motor vehicle involved in the violation.  
30 Not less than thirty days prior to contracting with a  
31 private collection designee, the city shall send the  
32 person responsible for the fine at least one notice  
33 reminding the person of the delinquent debt and of the  
34 city's intended action with regard to collection of the  
35 debt.

36 (2) A city shall not contract with a private  
37 collection designee for collection of a delinquent  
38 fine imposed for a motor vehicle violation under a  
39 city's automated traffic law enforcement program at any  
40 time while the owner of the motor vehicle is pursuing  
41 an appeal of the fine in accordance with the appeals  
42 process established by the city by ordinance.

43 d. For purposes of this subsection:

44 (1) "Automated traffic law enforcement program"  
45 means the utilization of one or more automated traffic  
46 law enforcement systems to issue citations for civil  
47 violations of traffic laws.

48 (2) "Automated traffic law enforcement system"  
49 means a device with one or more sensors working in  
50 conjunction with an official traffic control signal or

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1 a speed measuring device to produce recorded images  
2 of vehicles being operated in violation of traffic or  
3 speed laws.

4 Sec. 2. UNIFORM APPEALS PROCESS FOR AUTOMATED  
5 TRAFFIC LAW ENFORCEMENT PROGRAMS. The department of  
6 transportation shall coordinate a committee composed  
7 of representatives selected by each city in Iowa  
8 with an automated traffic law enforcement program and  
9 representatives of any other Iowa cities desiring to  
10 participate. The purpose of the committee shall be to  
11 design a structured and uniform process for appealing  
12 civil penalties imposed under automated traffic law  
13 enforcement programs in cities throughout the state.  
14 The department shall make a written report to the  
15 general assembly on or before December 31, 2013,  
16 describing the process agreed to by the committee.>

17 2. Title page, by striking lines 1 through 2 and  
18 inserting <An Act relating to civil penalties imposed  
19 by cities under an automated traffic law enforcement  
20 program and providing for the adoption of a uniform  
21 process for appeals.>

By HALL of Woodbury

**H-8245** FILED MARCH 14, 2012

**HOUSE FILE 2214**

**H-8246**

1 Amend House File 2214 as follows:

2 1. Page 1, line 8, by striking <ordinance.> and  
3 inserting <ordinance, except as provided in this  
4 section.>

5 2. Page 1, after line 8 by inserting:

6 <2. The state or a local authority may use an  
7 automated traffic law enforcement camera in a road work  
8 zone to detect violations by motor vehicle operators  
9 traveling at a speed that is more than ten miles per  
10 hour above the posted speed limit.>

11 3. Page 1, line 9, by striking <2.> and inserting  
12 3.>

13 4. Page 1, line 22, before <shall> by inserting <in  
14 a manner not authorized pursuant to section 321.5A, as  
15 enacted by this Act,>

16 5. Page 1, line 28, after <system> by inserting <in  
17 a manner not authorized pursuant to section 321.5A, as  
18 enacted by this Act,>

19 6. Title page, line 1, by striking <prohibiting>  
20 and inserting <relating to>

21 7. By renumbering as necessary.

By JORGENSEN of Woodbury

**H-8246** FILED MARCH 14, 2012

HOUSE FILE 2214

H-8247

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with a traffic control  
9 signal or device or a speed-measuring device to produce  
10 recorded images of vehicles being operated in violation  
11 of traffic or speed laws. "Automated traffic law  
12 enforcement system" does not include a device operated  
13 in the presence of a peace officer or a device mounted  
14 on a school bus and operated in the presence of the  
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.5A Automated traffic  
17 enforcement systems.

18 A local authority shall not use an automated traffic  
19 enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize  
21 the use of automated traffic enforcement systems to  
22 detect violations of posted speed limits or official  
23 traffic-control signals which constitute municipal or  
24 county infractions.

25 2. A local authority shall not charge the owner  
26 of a motor vehicle administrative costs in addition  
27 to any civil penalty imposed for a violation detected  
28 by an automated traffic enforcement system. Civil  
29 penalties imposed for such violations shall not exceed  
30 one hundred dollars.

31 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT  
32 SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
33 CITATIONS. Notices mailed or citations issued  
34 of violations committed prior to the effective date of  
35 this Act, pursuant to a local ordinance authorizing the  
36 use of an automated traffic enforcement system, shall  
37 not be invalidated by the enactment of this Act and  
38 shall be processed according to the provisions of the  
39 law under which they were authorized.>

40 2. Title page, line 1, by striking <prohibiting>  
41 and inserting <relating to>

42 3. Title page, by striking line 2 and inserting  
43 <systems.>

**By** JORGENSEN of Woodbury

H-8247 FILED MARCH 14, 2012



HOUSE FILE 2214

H-8251

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with a traffic control  
9 signal or device or a speed-measuring device to produce  
10 recorded images of vehicles being operated in violation  
11 of traffic or speed laws. "Automated traffic law  
12 enforcement system" does not include a device operated  
13 in the presence of a peace officer or a device mounted  
14 on a school bus and operated in the presence of the  
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.5A Automated traffic  
17 enforcement systems.

18 A local authority shall not use an automated traffic  
19 enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize  
21 the use of automated traffic enforcement systems to  
22 detect violations of posted speed limits or official  
23 traffic-control signals which constitute municipal or  
24 county infractions.

25 2. Recorded images produced by an automated traffic  
26 enforcement system evidencing a violation of a posted  
27 speed limit or an official traffic-control signal  
28 shall be reviewed by a peace officer of the local law  
29 enforcement agency to affirm that a violation occurred  
30 and the identity of the motor vehicle involved in the  
31 violation. If following the officer's review, a notice  
32 of a fine or citation is issued to the owner of the  
33 motor vehicle involved in the violation, the following  
34 requirements apply:

35 a. An affidavit bearing the written or electronic  
36 signature of the peace officer shall be included on the  
37 notice or citation.

38 b. The notice or citation shall contain a  
39 statement, in bold type, regarding the process for  
40 appealing the fine.

41 c. The notice or citation shall be sent by ordinary  
42 mail to the owner of the motor vehicle involved not  
43 more than thirty days following the incident giving  
44 rise to the notice of a fine or citation, as evidenced  
45 by the postmark.

46 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT  
47 SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
48 CITATIONS. Notices mailed or citations issued  
49 of violations committed prior to the effective date of  
50 this Act, pursuant to a local ordinance authorizing the

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1 use of an automated traffic enforcement system, shall  
2 not be invalidated by the enactment of this Act and  
3 shall be processed according to the provisions of the  
4 law under which they were authorized.>

5 2. Title page, line 1, by striking <prohibiting>  
6 and inserting <relating to>

7 3. Title page, by striking line 2 and inserting  
8 <systems.>

**By** JORGENSEN of Woodbury

H-8251 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8252

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with a traffic control  
9 signal or device or a speed-measuring device to produce  
10 recorded images of vehicles being operated in violation  
11 of traffic or speed laws. "Automated traffic law  
12 enforcement system" does not include a device operated  
13 in the presence of a peace officer or a device mounted  
14 on a school bus and operated in the presence of the  
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.5A Automated traffic  
17 enforcement systems.

18 A local authority shall not use an automated traffic  
19 enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize  
21 the use of automated traffic enforcement systems to  
22 detect violations of posted speed limits or official  
23 traffic-control signals which constitute municipal or  
24 county infractions.

25 2. A local authority shall provide signage, in  
26 conformance with the uniform system adopted pursuant  
27 to section 321.252, giving notice of the use of an  
28 automated traffic enforcement system on the approach to  
29 each location where an automated traffic enforcement  
30 system is in use as follows:

31 a. A sign shall be posted on each road on the  
32 approach to the next traffic-control signal where an  
33 automated traffic enforcement system is in use.

34 b. A sign shall be posted on the approach to the  
35 next speed limit zone on a road where an automated  
36 traffic enforcement system is being used for speed  
37 limit enforcement.

38 c. A temporary sign shall be positioned or posted  
39 on the approach to each location where a mobile  
40 automated traffic enforcement system is being used for  
41 speed limit enforcement.

42 d. A temporary or permanent sign giving notice of  
43 the use of an automated traffic enforcement system for  
44 the enforcement of speed limits shall be positioned  
45 or posted at a distance in advance of the automated  
46 traffic enforcement system which, in relation to the  
47 applicable speed limit, would provide adequate notice  
48 to a motor vehicle operator travelling at the speed  
49 limit before entering the range of the automated  
50 traffic enforcement system.>

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1 2. Title page, line 1, by striking <prohibiting>  
2 and inserting <relating to>  
3 3. Title page, by striking line 2 and inserting  
4 <systems.>

**By** JORGENSEN of Woodbury

H-8252 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8253

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 331.307, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 14. a. Notwithstanding any other  
7 provision of law, civil fines collected by a county  
8 from the use of an automated traffic law enforcement  
9 system shall be allocated as follows:

10 (1) The amount necessary to satisfy contractual  
11 obligations of the county relating to the use of  
12 automated traffic law enforcement systems shall be  
13 retained by the county for that purpose.

14 (2) Moneys in excess of the amount necessary  
15 for the purpose specified in subparagraph (1) shall  
16 be deposited in the account established in section  
17 602.8108.

18 b. For purposes of this subsection, "automated  
19 traffic law enforcement system" means a device with one  
20 or more sensors working in conjunction with a traffic  
21 control signal or device or a speed-measuring device to  
22 produce recorded images of vehicles being operated in  
23 violation of traffic or speed laws.

24 Sec. 2. Section 364.3, subsection 2, Code  
25 Supplement 2011, is amended to read as follows:

26 2. For a violation of an ordinance, a city shall  
27 not provide a penalty in excess of the maximum fine and  
28 term of imprisonment for a simple misdemeanor under  
29 section 903.1, subsection 1, paragraph "a". ~~An Except~~  
30 as otherwise provided in this section, an amount equal  
31 to ten percent of all fines collected by cities shall  
32 be deposited in the account established in section  
33 602.8108. However, one

34 a. One hundred percent of all fines collected by a  
35 city pursuant to section 321.236, subsection 1, shall  
36 be retained by the city.

37 b. Civil fines collected by a city from the use of  
38 an automated traffic law enforcement system shall be  
39 allocated as follows:

40 (1) The amount necessary to satisfy contractual  
41 obligations of the city relating to the use of  
42 automated traffic law enforcement systems shall be  
43 retained by the city for that purpose.

44 (2) Moneys in excess of the amount necessary  
45 for the purpose specified in subparagraph (1) shall  
46 be deposited in the account established in section  
47 602.8108.

48 (3) For purposes of this subsection, "automated  
49 traffic law enforcement system" means a device with one  
50 or more sensors working in conjunction with a traffic

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1 control signal or device or a speed-measuring device to  
2 produce recorded images of vehicles being operated in  
3 violation of traffic or speed laws.

4 c. The criminal penalty surcharge required by  
5 section 911.1 shall be added to a city fine and is not  
6 a part of the city's penalty.

7 Sec. 3. Section 602.8108, Code Supplement 2011, is  
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 11. The clerk of the district  
10 court shall forward to the treasurer of state, not  
11 later than the fifteenth day of each month, all moneys  
12 received from counties pursuant to section 331.307,  
13 subsection 14, and from cities pursuant to section  
14 364.3, subsection 2, paragraph "b", for deposit in the  
15 road use tax fund.>

16 2. Title page, by striking lines 1 through 2 and  
17 inserting <An Act providing for the disposition of  
18 fines collected by a city or county pursuant to an  
19 automated traffic law program.>

**By** JORGENSEN of Woodbury

HOUSE FILE 2214

H-8254

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 331.307, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 14. a. Notwithstanding any other  
7 provision of law, civil fines collected by a county  
8 from the use of an automated traffic law enforcement  
9 system shall be allocated as follows:

10 (1) The amount necessary to satisfy contractual  
11 obligations of the county relating to the use of  
12 automated traffic law enforcement systems shall be  
13 retained by the county for that purpose.

14 (2) From civil fines collected for violations  
15 committed on roads under the jurisdiction of the  
16 county, the county shall retain the amount in excess  
17 of the amount necessary for the purpose specified in  
18 subparagraph (1).

19 (3) Moneys in excess of the amount retained under  
20 subparagraph (1) or (2) shall be deposited in the  
21 account established in section 602.8108.

22 b. For purposes of this subsection, "automated  
23 traffic law enforcement system" means a device with one  
24 or more sensors working in conjunction with a traffic  
25 control signal or device or a speed-measuring device to  
26 produce recorded images of vehicles being operated in  
27 violation of traffic or speed laws.

28 Sec. 2. Section 364.3, subsection 2, Code  
29 Supplement 2011, is amended to read as follows:

30 2. For a violation of an ordinance, a city shall  
31 not provide a penalty in excess of the maximum fine and  
32 term of imprisonment for a simple misdemeanor under  
33 section 903.1, subsection 1, paragraph "a". ~~An~~ Except  
34 as otherwise provided in this section, an amount equal  
35 to ten percent of all fines collected by cities shall  
36 be deposited in the account established in section  
37 602.8108. However, one

38 a. One hundred percent of all fines collected by a  
39 city pursuant to section 321.236, subsection 1, shall  
40 be retained by the city.

41 b. Civil fines collected by a city from the use of  
42 an automated traffic law enforcement system shall be  
43 allocated as follows:

44 (1) The amount necessary to satisfy contractual  
45 obligations of the city relating to the use of  
46 automated traffic law enforcement systems shall be  
47 retained by the city for that purpose.

48 (2) From civil fines collected for violations  
49 committed on roads under the jurisdiction of the  
50 city, the city shall retain the amount in excess of

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1 the amount necessary for the purpose specified in  
2 subparagraph (1). A city shall not retain any fines  
3 collected from violations committed on any portion of  
4 a primary or interstate highway including an extension  
5 of a primary highway or interstate within the limits  
6 of the city.

7 (3) Moneys in excess of the amount retained under  
8 subparagraph (1) or (2) shall be deposited in the  
9 account established in section 602.8108.

10 c. For purposes of this subsection, "automated  
11 traffic law enforcement system" means a device with one  
12 or more sensors working in conjunction with a traffic  
13 control signal or device or a speed-measuring device to  
14 produce recorded images of vehicles being operated in  
15 violation of traffic or speed laws.

16 d. The criminal penalty surcharge required by  
17 section 911.1 shall be added to a city fine and is not  
18 a part of the city's penalty.

19 Sec. 3. Section 602.8108, Code Supplement 2011, is  
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 11. The clerk of the district  
22 court shall forward to the treasurer of state, not  
23 later than the fifteenth day of each month, all moneys  
24 received from counties pursuant to section 331.307,  
25 subsection 14, and from cities pursuant to section  
26 364.3, subsection 2, paragraph "b", for deposit in the  
27 road use tax fund.>

28 2. Title page, by striking lines 1 and 2 and  
29 inserting <An Act providing for the disposition of  
30 fines collected by a city or county pursuant to an  
31 automated traffic law enforcement program.>

**By** WAGNER of Linn



HOUSE FILE 2214

H-8255

- 1 Amend House File 2214 as follows:
- 2 1. Page 1, line 3, by striking <The> and inserting
- 3 <Except as provided in this section, the>
- 4 2. Page 1, after line 8 by inserting:
- 5 <2. A local authority may use automated traffic
- 6 enforcement systems, provided that the number of such
- 7 systems in relation to the population of the city or
- 8 county using the systems shall not exceed a ratio of
- 9 one system for each ten thousand population.>
- 10 3. Page 1, line 9, by striking <2.> and inserting
- 11 <3.>
- 12 4. Page 1, by striking lines 22 through 25
- 13 and inserting <enforcement system not authorized
- 14 under section 321.5A, as enacted by this Act, shall
- 15 discontinue using the system on or before the effective
- 16 date of this Act.>
- 17 5. Page 1, line 28, after <system> by inserting
- 18 <not authorized under section 321.5A, as enacted by
- 19 this Act,>
- 20 6. Title page, line 1, by striking <prohibiting>
- 21 and inserting <relating to>
- 22 7. By renumbering as necessary.

**By** JORGENSEN of Woodbury

H-8255 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8256

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with a traffic control  
9 signal or device or a speed-measuring device to produce  
10 recorded images of vehicles being operated in violation  
11 of traffic or speed laws. "Automated traffic law  
12 enforcement system" does not include a device operated  
13 in the presence of a peace officer or a device mounted  
14 on a school bus and operated in the presence of the  
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.5A Automated traffic  
17 enforcement systems.

18 A local authority shall not use an automated traffic  
19 enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize  
21 the use of automated traffic enforcement systems to  
22 detect violations of posted speed limits or official  
23 traffic-control signals which constitute municipal or  
24 county infractions.

25 2. Notwithstanding subsection 1, a local authority  
26 shall not use an automated traffic law enforcement  
27 system on any road or portion of a road which is not  
28 under the jurisdiction of the local authority including  
29 but not limited to an interstate or a primary road  
30 extension within a city.

31 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT  
32 SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
33 CITATIONS. Notices mailed or citations issued  
34 of violations committed prior to the effective date of  
35 this Act, pursuant to a local ordinance authorizing the  
36 use of an automated traffic enforcement system, shall  
37 not be invalidated by the enactment of this Act and  
38 shall be processed according to the provisions of the  
39 law under which they were authorized.>

40 2. Title page, line 1, by striking <prohibiting>  
41 and inserting <relating to>

42 3. Title page, by striking line 2 and inserting  
43 <systems.>

By WAGNER of Linn

H-8256 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8257

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with a traffic control  
9 signal or device or a speed-measuring device to produce  
10 recorded images of vehicles being operated in violation  
11 of traffic or speed laws. "Automated traffic law  
12 enforcement system" does not include a device operated  
13 in the presence of a peace officer or a device mounted  
14 on a school bus and operated in the presence of the  
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.257A Automated traffic  
17 law enforcement systems.

18 Notwithstanding section 321.252 or any requirement  
19 of the department's manual of traffic control devices,  
20 a local authority that uses an automated traffic  
21 law enforcement system in conjunction with a traffic  
22 control signal shall establish the following minimum  
23 periods of duration for a steady circular yellow,  
24 steady yellow arrow, or flashing yellow arrow light  
25 on every traffic control device within the local  
26 authority's jurisdiction:

27 1. For a traffic control device located in a speed  
28 zone with a speed limit of twenty-five miles per hour  
29 or less, three seconds.

30 2. For a traffic control device located in a speed  
31 zone with a speed limit of more than twenty-five miles  
32 per hour but not more than thirty miles per hour, three  
33 and one-half seconds.

34 3. For a traffic control device located in a speed  
35 zone with a speed limit of more than thirty miles per  
36 hour but not more than thirty-five miles per hour, four  
37 seconds.

38 4. For a traffic control device located in a speed  
39 zone with a speed limit of more than thirty-five miles  
40 per hour but not more than forty miles per hour, four  
41 and one-half seconds.

42 5. For a traffic control device located in a speed  
43 zone with a speed limit of more than forty miles per  
44 hour but not more than forty-five miles per hour, five  
45 seconds.

46 6. For a traffic control device located in a speed  
47 zone with a speed limit of more than forty-five miles  
48 per hour but not more than fifty miles per hour, five  
49 and one-half seconds.

50 7. For a traffic control device located in a speed

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1 zone with a speed limit of more than fifty miles per  
2 hour, six seconds.  
3 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT  
4 SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
5 CITATIONS. Notices mailed or citations issued  
6 of violations committed prior to the effective date of  
7 this Act, pursuant to a local ordinance authorizing the  
8 use of an automated traffic enforcement system, shall  
9 not be invalidated by the enactment of this Act and  
10 shall be processed according to the provisions of the  
11 law under which they were authorized.>  
12 2. Title page, by striking lines 1 and 2 and  
13 inserting <An Act providing for standardization of  
14 yellow lights on traffic control signals in communities  
15 using automated traffic law enforcement systems.>

By L. MILLER of Scott

**H-8257** FILED MARCH 14, 2012

**HOUSE FILE 2214**

**H-8258**

1 Amend the amendment, [H-8234](#), to [House File 2214](#) as  
2 follows:

3 1. Page 2, line 35, by striking <fifty> and  
4 inserting <one hundred>

By BRANDENBURG of Pottawattamie

**H-8258** FILED MARCH 14, 2012

HOUSE FILE 2214

H-8259

1 Amend the amendment, H-8257, to House File 2214 as  
2 follows:

3 1. By striking page 1, line 16, through page 2,  
4 line 2, and inserting:

5 Section 1. Section 321.255, Code 2011, is amended  
6 to read as follows:

7 321.255 Local traffic-control devices.

8 1. Local authorities in their respective  
9 jurisdiction shall place and maintain such  
10 traffic-control devices upon highways under their  
11 jurisdiction as they may deem necessary to indicate  
12 and to carry out the provisions of this chapter or  
13 local traffic ordinances or to regulate, warn, or guide  
14 traffic. ~~All~~ Except as provided in this section, all  
15 such traffic-control devices hereafter erected by  
16 local authorities shall conform to the state manual and  
17 specifications.

18 2. Notwithstanding section 321.252 or any  
19 requirement of the department's manual of traffic  
20 control devices, a local authority that uses an  
21 automated traffic law enforcement system in conjunction  
22 with a traffic control signal shall establish the  
23 following minimum periods of duration for a steady  
24 circular yellow, steady yellow arrow, or flashing  
25 yellow arrow light on every traffic control device  
26 within the local authority's jurisdiction:

27 a. For a traffic control device located in a speed  
28 zone with a speed limit of twenty-five miles per hour  
29 or less, three seconds.

30 b. For a traffic control device located in a speed  
31 zone with a speed limit of more than twenty-five miles  
32 per hour but not more than thirty miles per hour, three  
33 and one-half seconds.

34 c. For a traffic control device located in a speed  
35 zone with a speed limit of more than thirty miles per  
36 hour but not more than thirty-five miles per hour, four  
37 seconds.

38 d. For a traffic control device located in a speed  
39 zone with a speed limit of more than thirty-five miles  
40 per hour but not more than forty miles per hour, four  
41 and one-half seconds.

42 e. For a traffic control device located in a speed  
43 zone with a speed limit of more than forty miles per  
44 hour but not more than forty-five miles per hour, five  
45 seconds.

46 f. For a traffic control device located in a speed  
47 zone with a speed limit of more than forty-five miles  
48 per hour but not more than fifty miles per hour, five  
49 and one-half seconds.

50 g. For a traffic control device located in a speed

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- 1 zone with a speed limit of more than fifty miles per
- 2 hour, six seconds.>
- 3 2. By renumbering as necessary.

By L. MILLER of Scott

**H-8259** FILED MARCH 14, 2012

**HOUSE FILE 2214**

**H-8262**

- 1 Amend the amendment, H-8234, to House File 2214 as
- 2 follows:
- 3 1. Page 1, line 32, after <system> by inserting <on
- 4 traffic control devices>
- 5 2. Page 1, line 34, after <on> by inserting <both
- 6 sides of>
- 7 3. Page 1, line 37, by striking <A sign shall
- 8 be posted on> and inserting <A warning sign at least
- 9 forty-eight inches by thirty-six inches in size with a
- 10 distance plaque having a black legend and black border
- 11 on a yellow or fluorescent yellow-green color shall be
- 12 posted on both sides of>
- 13 4. Page 1, line 40, by striking <A sign shall
- 14 be posted on> and inserting <A warning sign at least
- 15 forty-eight inches by thirty-six inches in size with a
- 16 distance plaque having a black legend and black border
- 17 on a yellow or fluorescent yellow-green color shall be
- 18 posted on both sides of>
- 19 5. Page 1, after line 43 by inserting:
- 20 <c. The notice of the use of an automated traffic
- 21 law enforcement system shall be positioned so as
- 22 to provide adequate perception-response time for
- 23 motorists.>
- 24 6. Page 1, line 44, by striking <c.> and inserting
- 25 d.>
- 26 7. By striking page 1, line 48, through page 2,
- 27 line 6, and inserting:
- 28 <e. The color and size of signage and the
- 29 distance of the placement of signage may vary from
- 30 the requirements of this section, provided that the
- 31 variation is based upon an engineering study and a copy
- 32 of the engineering study is maintained on file by the
- 33 local authority.>
- 34 8. Page 2, line 28, after <4.> by inserting <a.>
- 35 9. Page 2, line 34, by striking <a.> and inserting
- 36 (1)>
- 37 10. Page 2, by striking lines 36 through 43 and
- 38 inserting:
- 39 <(2) For a violation of a speed limit for speed
- 40 greater than ten miles per hour over the speed limit,
- 41 sixty-five dollars.
- 42 b. A local authority shall not impose a civil
- 43 penalty for violation of a speed limit for speed which
- 44 is ten miles per hour or less over the speed limit.>
- 45 11. By renumbering as necessary.

By R. OLSON of Polk

**H-8262** FILED MARCH 14, 2012

HOUSE FILE 2371

H-8228

1 Amend House File 2371 as follows:

2 1. Page 1, line 35, by striking <commissioner or  
3 other> and inserting <commissioner or other>

4 2. Page 2, line 1, after <training> by inserting <,  
5 provided that a commissioner shall be responsible for  
6 all costs associated with the commissioner's attendance  
7 and completion of such certification training course>

8 3. Page 2, line 2, by striking <commissioner,> and  
9 inserting <commissioner,>

10 4. Page 2, line 5, by striking <commissioner,> and  
11 inserting <commissioner,>

By HAGER of Allamakee

H-8228 FILED MARCH 14, 2012

HOUSE FILE 2422

H-8227

1 Amend House File 2422 as follows:

2 1. Page 2, line 13, after <administrator> by  
3 inserting <or owner>

4 2. Page 2, line 22, by striking <or immediately  
5 upon>

6 3. Page 2, by striking line 32 and inserting  
7 <in accordance with the federal Health Insurance  
8 Portability and Accountability Act of 1996, Pub. L. No.  
9 104-191, other state and federal regulations, and rules  
10 adopted by the department, to all of>

11 4. Page 3, line 24, by striking <residents or  
12 tenants> and inserting <residents, tenants, and staff  
13 of the facility or program>

14 5. Page 4, after line 1 by inserting:

15 <6. The department shall work with interested  
16 stakeholders in developing the proposed rules under  
17 this section.>

18 6. Page 4, line 2, by striking <6.> and inserting  
19 <7.>

20 7. Page 4, line 34, by striking <admit> and  
21 inserting <enter into a lease or occupancy agreement  
22 with>

23 8. Page 5, line 1, by striking <administrator> and  
24 inserting <manager or owner>

25 9. Page 5, after line 13 by inserting:

26 <Sec. \_\_\_\_ . PLACEMENT OF PERSONS REQUIRED TO  
27 REGISTER.

28 1. For purposes of this section, "adequate  
29 placement" means a placement that will provide the  
30 level of care necessary for a person including the  
31 level of care provided by a nursing facility or  
32 residential care facility.

33 2. For the period beginning July 1, 2012, through  
34 June 30, 2013, the department of human services, in  
35 compliance with federal and state law, shall secure  
36 adequate placements for persons required to register  
37 as a sex offender pursuant to chapter 692A who are  
38 being released from the custody of the department  
39 of corrections and require the type of medical  
40 and personal care provided by a nursing facility,  
41 residential care facility, or assisted living program;  
42 who are being discharged or transferred from nursing  
43 facilities, residential care facilities, or assisted  
44 living programs pursuant to a provision of this Act;  
45 or who require the type of medical and personal care  
46 provided by nursing facilities, residential care  
47 facilities, or assisted living programs when the  
48 persons are unable to gain access to a facility or  
49 program because the persons are required to register on  
50 the sex offender registry.



1 3. The department of human services may use a  
2 state facility to provide care for such persons or may  
3 conduct a request for proposal process to contract with  
4 a private facility to care for such persons. A request  
5 for proposals shall identify the reimbursement rate  
6 and the necessary training for staff in the facility  
7 or program.

8 4. The department of human services shall secure  
9 an adequate placement for such a person within ten  
10 business days of being notified by the department of  
11 corrections, the department of inspections and appeals,  
12 or a nursing facility, residential care facility,  
13 or assisted living program that placement is needed  
14 for such person, provided that such period shall not  
15 commence until the department of public safety receives  
16 and approves registration data and makes such data  
17 available on the sex offender registry internet site  
18 pursuant to section 692A.121, subsection 12.>

19 10. Page 7, line 13, after <aide,> by inserting  
20 <the office of the state long-term care ombudsman,>

21 11. Page 7, by striking line 16 and inserting:  
22 <c. Representatives of the health care industry and  
23 industry associations.>

24 12. Page 7, after line 20 by inserting:

25 <h. Other stakeholders as the department of  
26 inspections and appeals deems necessary.>

27 13. Page 7, line 21, by striking <h.> and inserting  
28 <i.>

29 14. Page 8, line 9, after <recommendations,> by  
30 inserting <regulatory challenges,>

31 15. Page 8, line 26, after <offenses.> by inserting  
32 <The treatment safety plan shall address the procedure  
33 for notifying other residents of the residency of a  
34 person required to register as a sex offender.>

35 16. Page 8, by striking lines 32 through 34 and  
36 inserting <placement for a person requiring commitment  
37 when the person also has a history of committing sexual  
38 offenses.>

39 17. Title page, line 1, after <notification> by  
40 inserting <in a nursing facility, residential care  
41 facility, or assisted living program>

By FRY of Clarke

HOUSE FILE 2429

H-8226

1 Amend the amendment, H-8184, to House File 2429 as  
2 follows:

3 1. Page 1, by striking lines 15 through 18 and  
4 inserting <mail signature, electronic identifier  
5 or screen name, biometric identifier, genetic  
6 identification information, access device, logo,  
7 symbol, trademark, place of employment, employee  
8 identification number,>

By BALTIMORE of Boone

H-8226 FILED MARCH 14, 2012

HOUSE FILE 2433

H-8224

1 Amend the amendment, H-8171, to House File 2433 as  
2 follows:

3 1. Page 1, by striking lines 2 and 3 and inserting:  
4 <\_\_\_\_. Page 1, by striking lines 22 and 23 and  
5 inserting <shall follow Robert's rules of order, in  
6 governing the conduct of agency meetings unless it is  
7 inconsistent with Iowa law.>>

8 2. Page 1, by striking lines 17 through 25 and  
9 inserting:

10 < (2) The agency shall provide an opportunity  
11 to make these oral presentations using the Iowa  
12 communications network or other electronic means if a  
13 request is received from twenty-five interested persons  
14 residing in the same city or county.>

15 3. Page 2, after line 16 by inserting:  
16 <\_\_\_\_. Page 1, line 30, after <committee> by  
17 inserting <if the committee finds good cause that  
18 notice and public participation would be unnecessary,  
19 impracticable, or contrary to the public interest,>>

20 4. Page 4, after line 11 by inserting:  
21 <Sec. \_\_\_\_\_. Section 99G.24, subsection 7, paragraph  
22 a, Code 2011, is amended to read as follows:

23 a. Has been convicted of a ~~criminal offense~~ felony,  
24 an aggravated misdemeanor, or public offense related  
25 to the security or integrity of the lottery in this or  
26 any other jurisdiction.>>

27 5. Page 4, by striking line 12.

28 6. By renumbering as necessary.

By PETTENGILL of Benton

H-8224 FILED MARCH 14, 2012

**HOUSE FILE 2433**

**H-8225**

1 Amend the amendment, H-8171, to House File 2433 as  
2 follows:

- 3 1. Page 3, by striking lines 26 through 39.
- 4 2. Page 4, by striking lines 13 through 28.
- 5 3. By renumbering as necessary.

**By** ISENHART of Dubuque

**H-8225** FILED MARCH 14, 2012

**HOUSE FILE 2435**

**H-8243**

1 Amend House File 2435 as follows:

- 2 1. Page 9, line 30, by striking <3,788,859> and
- 3 inserting <3,979,048>
- 4 2. Page 11, line 6, by striking <70,000> and
- 5 inserting <132,580>
- 6 3. Page 11, after line 6 by inserting:
- 7 < (1A) For distribution to the Iowa family planning
- 8 network agencies for necessary infrastructure,
- 9 statewide coordination, provider recruitment, service
- 10 delivery, and provision of assistance to patients in
- 11 determining an appropriate medical home:
- 12 ..... \$ 77,609>
- 13 4. Page 11, line 33, by striking <260,000> and
- 14 inserting <310,000>

**By** PETERSEN of Polk

**H-8243** FILED MARCH 14, 2012

**HOUSE FILE 2435**

**H-8244**

1 Amend House File 2435 as follows:

- 2 1. Page 61, after line 23 by inserting:
- 3 <Sec. \_\_\_\_\_. Section 237A.13, subsection 7, paragraph
- 4 a, Code 2011, is amended to read as follows:
- 5 a. Families with an income at or below one hundred
- 6 percent of the federal poverty level whose members ~~are~~
- 7 ~~employed,~~ for at least twenty-eight hours per week in
- 8 the aggregate, are employed or are participating at a
- 9 satisfactory level in an approved training program or
- 10 educational program, and parents with a family income
- 11 at or below one hundred percent of the federal poverty
- 12 level who are under the age of twenty-one years and are
- 13 participating in an educational program leading to a
- 14 high school diploma or the equivalent.>
- 15 2. By renumbering as necessary.

**By** PETERSEN of Polk

**H-8244** FILED MARCH 14, 2012

HOUSE FILE 2435

H-8260

1 Amend House File 2435 as follows:

2 1. Page 15, after line 2 by inserting:

3 <e. (1) Of the funds appropriated in this  
4 subsection, not more than \$10,000 shall be used  
5 for purposes of establishing, in coordination with  
6 relevant stakeholders, a plan and timetable to allow  
7 manufacturers and wholesalers to voluntarily cease  
8 manufacturing, selling, or distributing in this state  
9 any infant pacifier or reusable beverage container  
10 containing bisphenol A.

11 (2) At a minimum, the plan shall ensure that a  
12 manufacturer or wholesaler who sells or offers for sale  
13 in this state a reusable beverage container that is  
14 intended for retail sale shall conspicuously label the  
15 container as not including bisphenol A and provide the  
16 retailer with affirmation that the container does not  
17 contain bisphenol A.

18 (3) A voluntary agreement to cease manufacturing  
19 infant pacifiers or reusable beverage containers shall,  
20 at a minimum, do all of the following:

21 (a) Require a manufacturer to use the least toxic  
22 alternative to bisphenol A.

23 (b) Prohibit a manufacturer from replacing  
24 bisphenol A with a substance rated by the United States  
25 environmental protection agency as a class A, B, or  
26 C carcinogen or a substance listed on the agency's  
27 list of chemicals evaluated for carcinogenic potential  
28 as known or likely carcinogens, known to be human  
29 carcinogens, or likely to be human carcinogens.

30 (c) Prohibit a manufacturer from replacing  
31 bisphenol A with a reproductive toxicant that has  
32 been identified by the United States environmental  
33 protection agency as causing birth defects,  
34 reproductive harm, or developmental harm.

35 (4) If the department has not established a plan  
36 and a timetable by January 1, 2013, the department  
37 shall propose legislation to the 85th general assembly  
38 that prohibits products containing bisphenol A from  
39 being manufactured, sold, or distributed in this state,  
40 with terms not less restrictive than the terms proposed  
41 for a voluntary agreement. Such legislation shall  
42 provide for the prohibition of products containing  
43 bisphenol A by January 1, 2014.>

44 2. By renumbering as necessary.

**By** ISENHART of Dubuque  
KAJTAZOVIC of Black Hawk

H-8260 FILED MARCH 14, 2012

SENATE FILE 2313

H-8223

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. 2011 Iowa Acts, chapter 127, section  
6 9, subsection 2, paragraph c, is amended by adding the  
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (3) Notwithstanding section  
9 8.33 or any other provision to the contrary,  
10 any unencumbered or unobligated balance of the  
11 appropriation made in this paragraph for the  
12 insurance division or any other appropriation made for  
13 operational purposes for the fiscal year beginning July  
14 1, 2011, and ending June 30, 2012, that remains unused,  
15 unencumbered, or unobligated at the close of the fiscal  
16 year shall not revert but shall remain available to be  
17 used for any relocation costs of the division in the  
18 succeeding fiscal year.

19 Sec. 2. 2011 Iowa Acts, chapter 127, section 61, is  
20 amended to read as follows:

21 SEC. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the general fund of  
23 the state to the department of administrative services  
24 for the fiscal year beginning July 1, 2012, and ending  
25 June 30, 2013, the following amounts, or so much  
26 thereof as is necessary, to be used for the purposes  
27 designated, and for not more than the following  
28 full-time equivalent positions:

29 a. For salaries, support, maintenance, and  
30 miscellaneous purposes:

31 .....	\$	<del>2,010,172</del>
32 .....		<u>3,901,735</u>
33 .....	FTEs	<del>84.18</del>
34 .....		<u>78.37</u>

35 b. For the payment of utility costs:

36 .....	\$	<del>1,313,230</del>
37 .....		<u>2,548,973</u>
38 .....	FTEs	<u>1.00</u>

39 Notwithstanding section 8.33, any excess funds  
40 appropriated for utility costs in this lettered  
41 paragraph shall not revert to the general fund of the  
42 state at the end of the fiscal year but shall remain  
43 available for expenditure for the purposes of this  
44 lettered paragraph during the succeeding fiscal year.

45 c. For Terrace Hill operations:

46 .....	\$	<del>202,957</del>
47 .....		<u>393,939</u>
48 .....	FTEs	<u>6.88</u>

49 d. For the I3 distribution account:

50 .....	\$	<del>1,638,973</del>
----------	----	----------------------

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1		
2	e. For operations and maintenance of the Iowa	
3	building:	
4	..... \$	497,768
5		966,164
6	..... FTEs	7.00
7		<u>6.78</u>

8 2. Members of the general assembly serving as  
 9 members of the deferred compensation advisory board  
 10 shall be entitled to receive per diem and necessary  
 11 travel and actual expenses pursuant to section 2.10,  
 12 subsection 5, while carrying out their official duties  
 13 as members of the board.

14 3. Any funds and premiums collected by the  
 15 department for workers' compensation shall be  
 16 segregated into a separate workers' compensation  
 17 fund in the state treasury to be used for payment of  
 18 state employees' workers' compensation claims and  
 19 administrative costs. Notwithstanding section 8.33,  
 20 unencumbered or unobligated moneys remaining in this  
 21 workers' compensation fund at the end of the fiscal  
 22 year shall not revert but shall be available for  
 23 expenditure for purposes of the fund for subsequent  
 24 fiscal years.

25 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES  
 26 ---- TRANSFER ---- MEDICATION THERAPY MANAGEMENT  
 27 PROGRAM. Contingent upon the enactment of legislation  
 28 during the 2012 legislative session establishing  
 29 a medication therapy management program, there is  
 30 transferred from the fees collected by the board of  
 31 pharmacy pursuant to chapter 155A and retained by the  
 32 board pursuant to the authority granted in section  
 33 147.82 to the department of administrative services  
 34 for the fiscal year beginning July 1, 2012, and ending  
 35 June 30, 2013, \$510,000 to be used for the medication  
 36 therapy management program.

37 Sec. 4. 2011 Iowa Acts, chapter 127, section 65, is  
 38 amended to read as follows:

39 SEC. 65. AUDITOR OF STATE.

40 1. There is appropriated from the general fund of  
 41 the state to the office of the auditor of state for the  
 42 fiscal year beginning July 1, 2012, and ending June  
 43 30, 2013, subject to subsection 3 of this section, the  
 44 following amount, or so much thereof as is necessary,  
 45 to be used for the purposes designated, and for not  
 46 more than the following full-time equivalent positions:

47	For salaries, support, maintenance, and	
48	miscellaneous purposes:	
49	..... \$	452,734
50		<u>878,755</u>

1 ..... FTEs 103.00

2 2. The auditor of state may retain additional

3 full-time equivalent positions as is reasonable and

4 necessary to perform governmental subdivision audits

5 which are reimbursable pursuant to section 11.20

6 or 11.21, to perform audits which are requested by

7 and reimbursable from the federal government, and

8 to perform work requested by and reimbursable from

9 departments or agencies pursuant to section 11.5A

10 or 11.5B. The auditor of state shall notify the

11 department of management, the legislative fiscal

12 committee, and the legislative services agency of the

13 additional full-time equivalent positions retained.

14 3. The auditor of state shall allocate resources

15 from the appropriation in this section solely for audit

16 work related to the comprehensive annual financial

17 report, federally required audits, and investigations

18 of embezzlement, theft, or other significant financial

19 irregularities until the audit of the comprehensive

20 annual financial report is complete.

21 Sec. 5. 2011 Iowa Acts, chapter 127, section 66, is

22 amended to read as follows:

23 SEC. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE

24 BOARD. There is appropriated from the general fund of

25 the state to the Iowa ethics and campaign disclosure

26 board for the fiscal year beginning July 1, 2012, and

27 ending June 30, 2013, the following amount, or so much

28 thereof as is necessary, for the purposes designated:

29 For salaries, support, maintenance, and

30 miscellaneous purposes, and for not more than the

31 following full-time equivalent positions:

32 .....	\$	<del>237,500</del>
33 .....		<del>475,000</del>
34 .....	FTEs	5.00

35 Sec. 6. 2011 Iowa Acts, chapter 127, section 67,

36 subsection 1, is amended to read as follows:

37 1. There is appropriated from the general fund

38 of the state to the department of commerce for the

39 fiscal year beginning July 1, 2012, and ending June 30,

40 2013, the following amounts, or so much thereof as is

41 necessary, for the purposes designated:

42 a. ALCOHOLIC BEVERAGES DIVISION

43 For salaries, support, maintenance, and

44 miscellaneous purposes, and for not more than the

45 following full-time equivalent positions:

46 .....	\$	<del>610,196</del>
47 .....		<del>1,184,387</del>
48 .....	FTEs	<del>21.00</del>
49 .....		<u>18.50</u>

50 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

1 For salaries, support, maintenance, and  
 2 miscellaneous purposes, and for not more than the  
 3 following full-time equivalent positions:  
 4 ..... \$ 300,177  
 5 ..... 582,641  
 6 ..... FTEs 12.00

7 Sec. 7. 2011 Iowa Acts, chapter 127, section 67,  
 8 subsection 2, paragraphs a, b, and c, are amended to  
 9 read as follows:

10 a. BANKING DIVISION

11 For salaries, support, maintenance, and  
 12 miscellaneous purposes, and for not more than the  
 13 following full-time equivalent positions:  
 14 ..... \$ 4,425,835  
 15 ..... 9,098,170  
 16 ..... FTEs 80.00  
 17 ..... 70.50

18 b. CREDIT UNION DIVISION

19 For salaries, support, maintenance, and  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:  
 22 ..... \$ 863,998  
 23 ..... 1,792,995  
 24 ..... FTEs 19.00  
 25 ..... 15.00

26 c. INSURANCE DIVISION

27 (1) For salaries, support, maintenance, and  
 28 miscellaneous purposes, and for not more than the  
 29 following full-time equivalent positions:  
 30 ..... \$ 2,491,622  
 31 ..... 4,983,244  
 32 ..... FTEs 106.50  
 33 ..... 99.50

34 (2) The insurance division may reallocate  
 35 authorized full-time equivalent positions as necessary  
 36 to respond to accreditation recommendations or  
 37 requirements. The insurance division expenditures  
 38 for examination purposes may exceed the projected  
 39 receipts, refunds, and reimbursements, estimated  
 40 pursuant to section 505.7, subsection 7, including the  
 41 expenditures for retention of additional personnel,  
 42 if the expenditures are fully reimbursable and the  
 43 division first does both of the following:

44 (a) Notifies the department of management, the  
 45 legislative services agency, and the legislative fiscal  
 46 committee of the need for the expenditures.

47 (b) Files with each of the entities named in  
 48 subparagraph division (a) the legislative and  
 49 regulatory justification for the expenditures, along  
 50 with an estimate of the expenditures.



1 Sec. 8. 2011 Iowa Acts, chapter 127, section 67,  
 2 subsection 2, paragraph d, subparagraphs (1) and (2),  
 3 are amended to read as follows:

4 (1) For salaries, support, maintenance, and  
 5 miscellaneous purposes, and for not more than the  
 6 following full-time equivalent positions:

7 .....	\$	4,086,535
8 .....		8,173,069
9 .....	FTEs	79.00

10 (2) The utilities division may expend additional  
 11 funds, including funds for additional personnel, if  
 12 those additional expenditures are actual expenses which  
 13 exceed the funds budgeted for utility regulation and  
 14 the expenditures are fully reimbursable. Before the  
 15 division expends or encumbers an amount in excess of  
 16 the funds budgeted for regulation, the division shall  
 17 first do both of the following:

18 (a) Notify the department of management, the  
 19 legislative services agency, and the legislative fiscal  
 20 committee of the need for the expenditures.

21 (b) File with each of the entities named in  
 22 subparagraph division (a) the legislative and  
 23 regulatory justification for the expenditures, along  
 24 with an estimate of the expenditures.

25 Sec. 9. 2011 Iowa Acts, chapter 127, section 67,  
 26 subsection 2, paragraph d, subparagraph (4), is amended  
 27 to read as follows:

28 (4) In addition to the funds otherwise appropriated  
 29 to the division in subparagraph (1), and contingent  
 30 upon the enactment of legislation during the ~~2011~~  
 31 2012 legislative session relating to the permitting,  
 32 licensing, construction, and operation of nuclear  
 33 generation facilities and establishing rate-making  
 34 principles in relation thereto, for salaries, support,  
 35 consulting, maintenance, and miscellaneous purposes,  
 36 and for not more than the following full-time  
 37 equivalent positions:

38 .....	\$	425,000
39 .....	FTEs	3.50

40 Sec. 10. 2011 Iowa Acts, chapter 127, section 68,  
 41 is amended to read as follows:

42 SEC. 68. DEPARTMENT OF COMMERCE ---- PROFESSIONAL  
 43 LICENSING AND REGULATION BUREAU. There is appropriated  
 44 from the housing trust fund of the Iowa finance  
 45 authority created in section 16.181, to the bureau of  
 46 professional licensing and regulation of the banking  
 47 division of the department of commerce for the fiscal  
 48 year beginning July 1, 2012, and ending June 30,  
 49 2013, the following amount, or so much thereof as is  
 50 necessary, to be used for the purposes designated:

1 For salaries, support, maintenance, and	
2 miscellaneous purposes:	
3 .....	\$ 31,159
4	<u>62,317</u>

5 Sec. 11. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
 6 COMMISSION ---- REGIONAL TELECOMMUNICATIONS  
 7 COUNCILS. There is appropriated from the general  
 8 fund of the state to the Iowa telecommunications and  
 9 technology commission for the fiscal year beginning  
 10 July 1, 2012, and ending June 30, 2013, the following  
 11 amounts, or so much thereof as is necessary, to be used  
 12 for the purposes designated:

13 For state aid for regional telecommunications	
14 councils:	
15 .....	\$ 992,913

16 The regional telecommunications councils established  
 17 in section 8D.5 shall use the moneys appropriated  
 18 in this section to provide technical assistance for  
 19 network classrooms, planning and troubleshooting for  
 20 local area networks, scheduling of video sites, and  
 21 other related support activities.

22 Sec. 12. 2011 Iowa Acts, chapter 127, section 69,  
 23 is amended to read as follows:

24 SEC. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There  
 25 is appropriated from the general fund of the state to  
 26 the offices of the governor and the lieutenant governor  
 27 for the fiscal year beginning July 1, 2012, and ending  
 28 June 30, 2013, the following amounts, or so much  
 29 thereof as is necessary, to be used for the purposes  
 30 designated:

31 For salaries, support, maintenance, and	
32 miscellaneous purposes:	
33 .....	\$ 1,144,013
34	<u>2,220,523</u>
35 .....	FTEs 22.88
36	<u>22.00</u>

37 Sec. 13. 2011 Iowa Acts, chapter 127, section 70,  
 38 is amended to read as follows:

39 SEC. 70. GOVERNOR'S OFFICE OF DRUG CONTROL  
 40 POLICY. There is appropriated from the general fund  
 41 of the state to the governor's office of drug control  
 42 policy for the fiscal year beginning July 1, 2012, and  
 43 ending June 30, 2013, the following amount, or so much  
 44 thereof as is necessary, to be used for the purposes  
 45 designated:

46 For salaries, support, maintenance, and  
 47 miscellaneous purposes, including statewide  
 48 coordination of the drug abuse resistance education  
 49 (D.A.R.E.) programs or similar programs, and for not  
 50 more than the following full-time equivalent positions:

1 .....	\$	<del>145,000</del>
2 .....		<u>290,000</u>
3 .....	FTEs	<del>8.00</del>
4 .....		<u>6.00</u>

5 Sec. 14. 2011 Iowa Acts, chapter 127, section 71,  
6 is amended to read as follows:

7 SEC. 71. DEPARTMENT OF HUMAN RIGHTS. There is  
8 appropriated from the general fund of the state to  
9 the department of human rights for the fiscal year  
10 beginning July 1, 2012, and ending June 30, 2013, the  
11 following amounts, or so much thereof as is necessary,  
12 to be used for the purposes designated:

13 1. CENTRAL ADMINISTRATION DIVISION

14 For salaries, support, maintenance, and  
15 miscellaneous purposes, and for not more than the  
16 following full-time equivalent positions:

17 .....	\$	<del>103,052</del>
18 .....		<u>200,022</u>
19 .....	FTEs	<del>7.00</del>
20 .....		<u>5.35</u>

21 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

22 For salaries, support, maintenance, and  
23 miscellaneous purposes, and for not more than the  
24 following full-time equivalent positions:

25 .....	\$	<del>514,039</del>
26 .....		<u>997,746</u>
27 .....	FTEs	<del>17.00</del>
28 .....		<u>9.38</u>

29 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

30 For salaries, support, maintenance, and  
31 miscellaneous purposes, and for not more than the  
32 following full-time equivalent positions:

33 .....	\$	<del>511,946</del>
34 .....		<u>993,685</u>
35 .....	FTEs	<del>10.00</del>

36 The criminal and juvenile justice planning advisory  
37 council and the juvenile justice advisory council  
38 shall coordinate their efforts in carrying out their  
39 respective duties relative to juvenile justice.

40 Sec. 15. 2011 Iowa Acts, chapter 127, section 72,  
41 is amended to read as follows:

42 SEC. 72. DEPARTMENT OF INSPECTIONS AND  
43 APPEALS. There is appropriated from the general fund  
44 of the state to the department of inspections and  
45 appeals for the fiscal year beginning July 1, 2012, and  
46 ending June 30, 2013, the following amounts, or so much  
47 thereof as is necessary, for the purposes designated:

48 1. ADMINISTRATION DIVISION

49 For salaries, support, maintenance, and  
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:  
 2 ..... \$ 763,870  
 3 ..... 248,409  
 4 ..... FTEs 37.40  
 5 ..... 14.25

6 2. ADMINISTRATIVE HEARINGS DIVISION

7 For salaries, support, maintenance, and  
 8 miscellaneous purposes, and for not more than the  
 9 following full-time equivalent positions:  
 10 ..... \$ 264,377  
 11 ..... 528,753  
 12 ..... FTEs 23.00

13 3. INVESTIGATIONS DIVISION

14 a. For salaries, support, maintenance, and  
 15 miscellaneous purposes, and for not more than the  
 16 following full-time equivalent positions:  
 17 ..... \$ 584,320  
 18 ..... 1,168,639  
 19 ..... FTEs 58.50

20 b. The department, in coordination with the  
 21 investigations division, shall provide a report to  
 22 the general assembly by January 10, 2013, concerning  
 23 the fiscal impact of additional full-time equivalent  
 24 positions on the department's efforts relative to the  
 25 Medicaid divestiture program under chapter 249F.

26 4. HEALTH FACILITIES DIVISION

27 a. For salaries, support, maintenance, and  
 28 miscellaneous purposes, and for not more than the  
 29 following full-time equivalent positions:  
 30 ..... \$ 1,777,664  
 31 ..... 3,917,666  
 32 ..... FTEs 134.75  
 33 ..... 121.75

34 b. The department shall, in coordination with  
 35 the health facilities division, make the following  
 36 information available to the public ~~in a timely manner,~~  
 37 ~~to include providing the information on~~ as part of  
 38 the department's development efforts to revise the  
 39 department's internet website, ~~during the fiscal year~~  
 40 ~~beginning July 1, 2012, and ending June 30, 2013:~~

41 (1) The number of inspections conducted by the  
 42 division annually by type of service provider and type  
 43 of inspection.

44 (2) The total annual operations budget for the  
 45 division, including general fund appropriations and  
 46 federal contract dollars received by type of service  
 47 provider inspected.

48 (3) The total number of full-time equivalent  
 49 positions in the division, to include the number of  
 50 full-time equivalent positions serving in a supervisory

1 capacity, and serving as surveyors, inspectors, or  
2 monitors in the field by type of service provider  
3 inspected.

4 (4) Identification of state and federal survey  
5 trends, cited regulations, the scope and severity of  
6 deficiencies identified, and federal and state fines  
7 assessed and collected concerning nursing and assisted  
8 living facilities and programs.

9 c. It is the intent of the general assembly that  
10 the department and division continuously solicit input  
11 from facilities regulated by the division to assess and  
12 improve the division's level of collaboration and to  
13 identify new opportunities for cooperation.

14 5. EMPLOYMENT APPEAL BOARD

15 a. For salaries, support, maintenance, and  
16 miscellaneous purposes, and for not more than the  
17 following full-time equivalent positions:

18 .....	\$	21,108
19 .....		42,215
20 .....	FTEs	14.00

21 b. The employment appeal board shall be reimbursed  
22 by the labor services division of the department  
23 of workforce development for all costs associated  
24 with hearings conducted under chapter 91C, related  
25 to contractor registration. The board may expend,  
26 in addition to the amount appropriated under this  
27 subsection, additional amounts as are directly billable  
28 to the labor services division under this subsection  
29 and to retain the additional full-time equivalent  
30 positions as needed to conduct hearings required  
31 pursuant to chapter 91C.

32 6. CHILD ADVOCACY BOARD

33 a. For foster care review and the court appointed  
34 special advocate program, including salaries, support,  
35 maintenance, and miscellaneous purposes, and for not  
36 more than the following full-time equivalent positions:

37 .....	\$	<del>1,340,145</del>
38 .....		2,680,290
39 .....	FTEs	<del>40.80</del>
40 .....		32.35

41 b. The department of human services, in  
42 coordination with the child advocacy board and the  
43 department of inspections and appeals, shall submit an  
44 application for funding available pursuant to Tit. IV-E  
45 of the federal Social Security Act for claims for child  
46 advocacy board administrative review costs.

47 c. The court appointed special advocate program  
48 shall investigate and develop opportunities for  
49 expanding fund-raising for the program.

50 d. Administrative costs charged by the department

1 of inspections and appeals for items funded under this  
2 subsection shall not exceed 4 percent of the amount  
3 appropriated in this subsection.

4 Sec. 16. 2011 Iowa Acts, chapter 127, section 72,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 7. FOOD AND CONSUMER SAFETY

7 For salaries, support, maintenance, and  
8 miscellaneous purposes, and for not more than the  
9 following full-time equivalent positions:

10 .....	\$	1,279,331
11 .....	FTEs	21.00

12 Sec. 17. 2011 Iowa Acts, chapter 127, section 73,  
13 is amended to read as follows:

14 SEC. 73. DEPARTMENT OF INSPECTIONS AND APPEALS ----  
15 MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal  
16 year beginning July 1, 2012, and ending June 30, 2013,  
17 the department of inspections and appeals shall retain  
18 any license fees generated during the fiscal year as  
19 a result of actions under section 137F.3A occurring  
20 during the period beginning July 1, 2009, and ending  
21 June 30, ~~2011~~ 2013, for the purpose of enforcing the  
22 provisions of chapters 137C, 137D, and 137F.

23 Sec. 18. DEPARTMENT OF INSPECTIONS AND  
24 APPEALS ---- GENERAL SUPPORT ---- MEDICAID FRAUD FUND  
25 APPROPRIATION. There is appropriated from the Medicaid  
26 fraud fund created in section 249A.7 to the health  
27 facilities division of the department of inspections  
28 and appeals for the fiscal year beginning July 1, 2012,  
29 and ending June 30, 2013, the following amount, or  
30 so much thereof as is necessary, to be used for the  
31 purposes designated:

32 For salaries, support, maintenance, and  
33 miscellaneous purposes:  
34 ..... \$ 286,661

35 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS  
36 ---- STATE MATCH REQUIREMENTS ---- MEDICAID FRAUD FUND  
37 APPROPRIATION. There is appropriated from the Medicaid  
38 fraud fund created in section 249A.7 to the department  
39 of inspections and appeals for the fiscal year  
40 beginning July 1, 2012, and ending June 30, 2013, the  
41 following amounts, or so much thereof as is necessary,  
42 to be used for the purposes designated:

43 1. To cover the cost of any state match to draw  
44 down matching federal funds through the department of  
45 human services for additional full-time equivalent  
46 positions for conducting investigations of alleged  
47 fraud and overpayments of food assistance benefits  
48 through electronic benefits transfer:  
49 ..... \$ 119,070

50 2. For the state financial match requirement

1 for meeting the federal mandates connected with the  
 2 department's Medicaid fraud and abuse activities:  
 3 ..... \$ 885,262

4 3. To cover costs incurred by the department or  
 5 other agencies in providing regulation, responding to  
 6 allegations, or other activity involving chapter 1350:  
 7 ..... \$ 119,480

8 Sec. 20. DEPARTMENT OF INSPECTIONS AND APPEALS  
 9 ---- LEGISLATIVE IMPLEMENTATION ---- MEDICAID FRAUD FUND

10 APPROPRIATION. There is appropriated from the Medicaid  
 11 fraud fund created in section 249A.7 to the department  
 12 of inspections and appeals for the fiscal year  
 13 beginning July 1, 2012, and ending June 30, 2013, the  
 14 following amount, or so much thereof as is necessary,  
 15 to be used for the purposes designated:

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, administration, and other costs associated  
 18 with implementation of 2010 Iowa Acts, chapter 1177:  
 19 ..... \$ 250,000

20 Sec. 21. 2011 Iowa Acts, chapter 127, section 78,  
 21 is amended to read as follows:

22 SEC. 78. RACING AND GAMING COMMISSION.

23 1. RACETRACK REGULATION

24 There is appropriated from the gaming regulatory  
 25 revolving fund established in section 99F.20 to the  
 26 racing and gaming commission of the department of  
 27 inspections and appeals for the fiscal year beginning  
 28 July 1, 2012, and ending June 30, 2013, the following  
 29 amount, or so much thereof as is necessary, to be used  
 30 for the purposes designated:

31 For salaries, support, maintenance, and  
 32 miscellaneous purposes for the regulation of  
 33 pari-mutuel racetracks, and for not more than the  
 34 following full-time equivalent positions:  
 35 ..... \$ ~~1,255,720~~  
 36 2,898,925  
 37 ..... FTEs ~~28.53~~  
 38 32.03

39 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

40 There is appropriated from the gaming regulatory  
 41 revolving fund established in section 99F.20 to the  
 42 racing and gaming commission of the department of  
 43 inspections and appeals for the fiscal year beginning  
 44 July 1, 2012, and ending June 30, 2013, the following  
 45 amount, or so much thereof as is necessary, to be used  
 46 for the purposes designated:

47 For salaries, support, maintenance, and  
 48 miscellaneous purposes for administration and  
 49 enforcement of the excursion boat gambling and gambling  
 50 structure laws, and for not more than the following



1 full-time equivalent positions:

2 .....	\$	<del>1,539,050</del>
3 .....		<u>2,923,838</u>
4 .....	FTEs	<u>44.22</u>
5 .....		<u>40.72</u>

6 Sec. 22. 2011 Iowa Acts, chapter 127, section 79,  
7 is amended to read as follows:

8 SEC. 79. ROAD USE TAX FUND APPROPRIATION ----

9 DEPARTMENT OF INSPECTIONS AND APPEALS. There is  
10 appropriated from the road use tax fund created in  
11 section 312.1 to the administrative hearings division  
12 of the department of inspections and appeals for the  
13 fiscal year beginning July 1, 2012, and ending June 30,  
14 2013, the following amount, or so much thereof as is  
15 necessary, for the purposes designated:

16 For salaries, support, maintenance, and  
17 miscellaneous purposes:

18 .....	\$	<del>811,949</del>
19 .....		<u>1,623,897</u>

20 Sec. 23. 2011 Iowa Acts, chapter 127, section 80,  
21 is amended to read as follows:

22 SEC. 80. DEPARTMENT OF MANAGEMENT.

23 1. There is appropriated from the general fund  
24 of the state to the department of management for the  
25 fiscal year beginning July 1, 2012, and ending June 30,  
26 2013, the following amounts, or so much thereof as is  
27 necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and  
29 miscellaneous purposes, and for not more than the  
30 following full-time equivalent positions:

31 .....	\$	<del>1,196,999</del>
32 .....		<u>2,323,370</u>
33 .....	FTEs	<u>25.00</u>
34 .....		<u>20.00</u>

35 2. Of the moneys appropriated in this section, the  
36 department shall use a portion for enterprise resource  
37 planning, providing for a salary model administrator,  
38 conducting performance audits, and for the department's  
39 LEAN process.

40 Sec. 24. 2011 Iowa Acts, chapter 127, section 81,  
41 is amended to read as follows:

42 SEC. 81. ROAD USE TAX APPROPRIATION ---- DEPARTMENT  
43 OF MANAGEMENT. There is appropriated from the road use  
44 tax fund created in section 312.1 to the department  
45 of management for the fiscal year beginning July 1,  
46 2012, and ending June 30, 2013, the following amount,  
47 or so much thereof as is necessary, to be used for the  
48 purposes designated:

49 For salaries, support, maintenance, and  
50 miscellaneous purposes:



1 .....	\$	<del>28,000</del>
2		<u>56,000</u>

3 Sec. 25. 2011 Iowa Acts, chapter 127, section 82,  
4 is amended to read as follows:

5 SEC. 82. DEPARTMENT OF REVENUE.

6 1. There is appropriated from the general fund  
7 of the state to the department of revenue for the  
8 fiscal year beginning July 1, 2012, and ending June 30,  
9 2013, the following amounts, or so much thereof as is  
10 necessary, to be used for the purposes designated:

11 For salaries, support, maintenance, and  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:

14 .....	\$	<del>8,829,742</del>
15		<u>17,138,488</u>
16 .....	FTEs	<del>303.48</del>
17		<u>245.46</u>

18 2. Of the funds appropriated pursuant to this  
19 section, \$400,000 shall be used to pay the direct  
20 costs of compliance related to the collection and  
21 distribution of local sales and services taxes imposed  
22 pursuant to chapters 423B and 423E.

23 3. The director of revenue shall prepare and issue  
24 a state appraisal manual and the revisions to the  
25 state appraisal manual as provided in section 421.17,  
26 subsection 17, without cost to a city or county.

27 Sec. 26. 2011 Iowa Acts, chapter 127, section 83,  
28 is amended to read as follows:

29 SEC. 83. MOTOR VEHICLE FUEL TAX

30 APPROPRIATION. There is appropriated from the motor  
31 fuel tax fund created by section 452A.77 to the  
32 department of revenue for the fiscal year beginning  
33 July 1, 2012, and ending June 30, 2013, the following  
34 amount, or so much thereof as is necessary, to be used  
35 for the purposes designated:

36 For salaries, support, maintenance, miscellaneous  
37 purposes, and for administration and enforcement of the  
38 provisions of chapter 452A and the motor vehicle use  
39 tax program:

40 .....	\$	<del>652,888</del>
41		<u>1,305,775</u>

42 Sec. 27. 2011 Iowa Acts, chapter 127, section 84,  
43 is amended to read as follows:

44 SEC. 84. SECRETARY OF STATE.

45 1. There is appropriated from the general fund of  
46 the state to the office of the secretary of state for  
47 the fiscal year beginning July 1, 2012, and ending June  
48 30, 2013, the following amounts, or so much thereof as  
49 is necessary, to be used for the purposes designated:

50 For salaries, support, maintenance, and

1 miscellaneous purposes, and for not more than the  
 2 following full-time equivalent positions:

3 .....	\$	<del>1,447,793</del>
4 .....		<u>2,810,159</u>
5 .....	FTEs	<del>45.00</del>
6 .....		<u>34.00</u>

7 2. The state department or state agency which  
 8 provides data processing services to support voter  
 9 registration file maintenance and storage shall provide  
 10 those services without charge.

11 Sec. 28. 2011 Iowa Acts, chapter 127, section 86,  
 12 is amended to read as follows:

13 SEC. 86. TREASURER.

14 1. There is appropriated from the general fund of  
 15 the state to the office of treasurer of state for the  
 16 fiscal year beginning July 1, 2012, and ending June 30,  
 17 2013, the following amount, or so much thereof as is  
 18 necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and		
20 miscellaneous purposes, and for not more than the		
21 following full-time equivalent positions:		
22 .....	\$	<del>427,145</del>
23 .....		<u>829,086</u>
24 .....	FTEs	<del>28.80</del>

25 2. The office of treasurer of state shall supply  
 26 clerical and secretarial support for the executive  
 27 council.

28 Sec. 29. 2011 Iowa Acts, chapter 127, section 87,  
 29 is amended to read as follows:

30 SEC. 87. ROAD USE TAX APPROPRIATION ---- OFFICE  
 31 OF TREASURER OF STATE. There is appropriated from  
 32 the road use tax fund created in section 312.1 to  
 33 the office of treasurer of state for the fiscal year  
 34 beginning July 1, 2012, and ending June 30, 2013, the  
 35 following amount, or so much thereof as is necessary,  
 36 to be used for the purposes designated:

37 For enterprise resource management costs related to		
38 the distribution of road use tax funds:		
39 .....	\$	<del>46,574</del>
40 .....		<u>93,148</u>

41 Sec. 30. 2011 Iowa Acts, chapter 127, section 88,  
 42 is amended to read as follows:

43 SEC. 88. IPERS ---- GENERAL OFFICE. There is  
 44 appropriated from the Iowa public employees' retirement  
 45 system fund to the Iowa public employees' retirement  
 46 system for the fiscal year beginning July 1, 2012, and  
 47 ending June 30, 2013, the following amount, or so much  
 48 thereof as is necessary, to be used for the purposes  
 49 designated:

50 For salaries, support, maintenance, and other

1 operational purposes to pay the costs of the Iowa  
 2 public employees' retirement system, and for not more  
 3 than the following full-time equivalent positions:

4 .....	\$	8,843,484
5 .....		17,686,968
6 .....	FTEs	90.13

7 Sec. 31. 2011 Iowa Acts, chapter 129, section 149,  
 8 is amended to read as follows:

9 SEC. 149. MEDICAID FRAUD ACCOUNT ---- DEPARTMENT OF  
 10 INSPECTIONS AND APPEALS. There is appropriated from  
 11 the Medicaid fraud account created in section 249A.7  
 12 to the department of inspections and appeals for the  
 13 fiscal year beginning July 1, 2012, and ending June 30,  
 14 2013, the following amount, or so much thereof as is  
 15 necessary, to be used for the purposes designated:

16 For the inspection and certification of assisted  
 17 living programs and adult day care services, including  
 18 program administration and costs associated with  
 19 implementation:

20 .....	\$	669,764
21 .....		1,339,527

22 Sec. \_\_\_\_\_. Section 249A.7, subsection 3, paragraph  
 23 b, Code Supplement 2011, is amended to read as follows:

24 b. Notwithstanding section 8.33, moneys credited  
 25 to the fund from any other account or fund shall not  
 26 revert to the other account or fund. Moneys in the  
 27 fund shall ~~only be used as provided in appropriations~~  
 28 ~~from the fund and shall be used in accordance with~~  
 29 ~~applicable laws, regulations, and the policies of~~  
 30 ~~the office of inspector general of the United States~~  
 31 ~~department of health and human services transferred to~~  
 32 the health care trust fund created in section 453A.35A.

33 Sec. \_\_\_\_\_. Section 453A.35A, subsection 1, Code  
 34 Supplement 2011, is amended to read as follows:

35 1. A health care trust fund is created in the  
 36 office of the treasurer of state. The fund consists  
 37 of the revenues generated from the tax on cigarettes  
 38 pursuant to section 453A.6, subsection 1, and from  
 39 the tax on tobacco products as specified in section  
 40 453A.43, subsections 1, 2, 3, and 4, that are credited  
 41 to the health care trust fund, annually, pursuant to  
 42 section 453A.35. The fund shall also consist of moneys  
 43 transferred from the Medicaid fraud fund created in  
 44 section 249A.7. Moneys in the fund shall be separate  
 45 from the general fund of the state and shall not be  
 46 considered part of the general fund of the state.  
 47 However, the fund shall be considered a special account  
 48 for the purposes of section 8.53 relating to generally  
 49 accepted accounting principles. Moneys in the fund  
 50 shall be used only as specified in this section and

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1 shall be appropriated only for the uses specified.  
2 Moneys in the fund are not subject to section 8.33  
3 and shall not be transferred, used, obligated,  
4 appropriated, or otherwise encumbered, except as  
5 provided in this section. Notwithstanding section  
6 12C.7, subsection 2, interest or earnings on moneys  
7 deposited in the fund shall be credited to the fund.  
8 Sec. 34. EFFECTIVE UPON ENACTMENT. The following  
9 provision or provisions of this Act, being deemed of  
10 immediate importance, take effect upon enactment:  
11 1. The section of this Act amending 2011 Iowa Acts,  
12 chapter 127, section 9, subsection 2, paragraph "c".  
13 Sec. \_\_\_\_\_. EFFECTIVE DATE. The following provision  
14 or provisions of this Act take effect July 1, 2013:  
15 1. The section of this Act amending section 249A.7.  
16 2. The section of this Act amending section  
17 453A.35A.  
18 Sec. 35. RETROACTIVE APPLICABILITY. The following  
19 provision or provisions of this Act apply retroactively  
20 to July 1, 2011:  
21 1. The section of this Act amending 2011 Iowa Acts,  
22 chapter 127, section 9, subsection 2, paragraph "c".>  
23 2. Title page, line 3, after <atters> by inserting  
24 <and including effective date and retroactive  
25 applicability provisions>  
26 3. By renumbering, redesignating, and correcting  
27 internal references as necessary.

COMMITTEE ON APPROPRIATIONS

RAECKER of Polk, Chairperson

H-8223 FILED MARCH 14, 2012

SENATE FILE 2314

H-8231

1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 Page 2, line 31, by striking <550,000> and  
4 inserting <~~550,000~~ 350,000>  
5 2. Page 4, line 29, by striking <242,000> and  
6 inserting <80,667>  
7 3. By renumbering as necessary.

By MOORE of Jackson

H-8231 FILED MARCH 14, 2012

SENATE FILE 2314

H-8238

1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 31, by striking <228,000> and  
4 inserting <182,400>

5 2. Page 4, line 5, by striking <1,404,000> and  
6 inserting <1,123,200>

7 3. By renumbering as necessary.

**By** WAGNER of Linn

H-8238 FILED MARCH 14, 2012

# Fiscal Note

*Fiscal Services Division*



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**HF 2382** – Innovation Fund Tax Credits (LSB 6027HV)

Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))

Fiscal Note Version – New

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## **Description**

**House File 2382** increases the current 20.0% tax credit for qualified equity investments in the Iowa Innovation Fund to a 100.0% tax credit. The change is effective for investments made beginning July 1, 2011, through June 30, 2014. After that date, the tax credit percentage is 20.0%. The change is effective upon enactment and retroactive to July 1, 2011.

## **Background**

The Innovation Fund was created in **SF 517** (Economic Development Appropriation Act of 2011). The Innovation Fund is one or more early-stage capital funds certified by the Economic Development Authority (EDA) Board. The 20.0% tax credit for equity investments in the Innovation Fund was also created in SF 517.

The tax credit cannot be redeemed until the third tax year after the tax year in which the qualified investment was made. The tax credits are not refundable, but unused credits may be carried forward for up to five additional tax years.

The EDA is required to allocate \$8.0 million of its annual \$120.0 million tax credit cap to the Innovation Fund, starting FY 2012 (see **Iowa Code section 15.119**). The EDA cannot allocate unused Innovation Fund credits to other programs that also exist under the \$120.0 million cap.

Taxpayers that invest in the Innovation Fund likely receive equity interest in the Fund. Under the provisions of the Bill, they will also receive a State income tax credit equal to 100.0% of their investment, but the credit cannot be redeemed for at least three years. Taxpayers may also face higher federal tax bills if the State income tax reduction they earn through the investment tax credit increases their federal tax liability. State income taxes are deductible at the federal level for itemized individual income tax filers and are business deductions for businesses; both instances potentially increase federal income taxes owed.

At the current 20.0% tax credit rate, the Innovation Fund could generate \$40.0 million per year if the \$8.0 million tax credit was fully utilized. If the tax credit is increased to 100.0%, the annual tax credit limit would net \$8.0 million in Innovation Fund investments each year.

The EDA rules for the Innovation Fund tax credit specify that if valid applications for more than the \$8.0 million available in a year are received, the Department will prioritize tax credit awards in the next year so that the excess applications receive tax credits first.

## **Fiscal Impact**

The current 20.0% tax credit has been in place for seven months. Over that time, it does not appear that much progress has been made in attracting investment or creating an Innovation Fund. Therefore, it is not possible to assess whether the current \$8.0 million allocation with a

20.0% tax credit for Innovation Fund investments will be utilized in part or in whole, during FY 2012 or after.

Increasing the existing tax credit from 20.0% of the amount invested to 100.0% will no doubt make the investment more attractive and will therefore make it more likely that the \$8.0 million annual cap will be utilized. However, at this early stage of the new program, it is not possible to conclude that the existing Innovation Fund concept will not work, so the increase in the tax credit percentage from 20.0% to 100.0% does not have a fiscal impact.

The law change would mean that the annual \$8.0 million State General Fund investment in financing the Innovation Fund will yield \$8.0 million per year for the Fund, down from the \$40.0 million per year that could possibly be achieved under current law.

### **Sources**

Economic Development Authority  
Department of Economic Development

/s/ Holly M. Lyons

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March 13, 2012

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



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**HJR 2008** – Medicaid Rules Nullification, Physician Payments (LSB 5945YH)  
Analyst: Jess Benson (Phone: 515-281-4611) ([jess.benson@legis.state.ia.us](mailto:jess.benson@legis.state.ia.us))  
Fiscal Note Version – New

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## **Description**

**House Joint Resolution 2008** nullifies Administrative Rules by the Department of Human Services (DHS) that lower Medicaid reimbursement for certain procedures performed in a facility setting instead of in a professional practice.

## **Background**

Legislation for this rule was passed in **HF 649** (FY 2012 Health and Human Services Appropriations Act). The change was part of a package of cost containment strategies recommended by the Governor. The reason for the change was that when physicians perform a procedure in their professional practice, part of their fee contains costs for overhead. When physicians perform the same procedure in a hospital, Medicaid is paying the hospital a fee for overhead in addition to the procedure. When passed by the General Assembly this change was estimated to save the state \$1.0 million annually. After being implemented, the DHS increased their estimated savings to \$2.4 million.

## **Assumptions**

This rule change was estimated to save the General Fund \$1.9 million in FY 2012 and \$2.4 million in FY 2013. The savings for FY 2012 is less because the change was not implemented until September 1, 2011. The State's share of the Federal Medical Assistance Percentage Match (FMAP) is 38.97% for FY 2012 and 40.13% for FY 2013.

## **Fiscal Impact**

Nullifying this rule will increase State Medicaid expenditures by \$1.9 million in FY 2012 and \$2.4 million in FY 2013.

## **Sources**

Department of Human Services

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/s/ Holly M. Lyons

March 13, 2012

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Iowa Code **section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**H-8171 to HF 2433** – Licensing Discipline and Agency Procedure (LSB 5031HV.1)  
Analyst: Aaron Todd (Phone: 515-281-6764) (aaron.todd@legis.state.ia.us)  
Fiscal Note Version – New

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**Description**

Amendment **H-8171** makes the following changes to **HF 2433**:

- Provides additional opportunities for public input to the administrative rulemaking process, including ensuring that public comments can be submitted electronically, providing to the extent practicable usage of the Iowa Communications Network (ICN) at multiple sites to collect public input orally, and to provide local input opportunities if 25 or more persons from the same city or county request it.
- Directs agencies to refer to the specific Iowa Code section(s) being implemented and a concise statement of the principal reasons for and against proposed and adopted rules in the preamble to proposed and adopted rules.
- Requires agencies, subject to the direction of the administrative rules coordinator, to make available to the public a uniform, searchable, and user-friendly rules database on an internet site, articulates the items that must be included on the rules internet site, and directs the administrative rules coordinator to create a uniform format for the rules internet sites.
- Directs that unless specified otherwise in Iowa Code, the implementation of rulemaking authority is to be construed narrowly.
- Restricts state agencies from enacting administrative rules or policies that exceed the federal statutes, regulations, or policies that they implement, except as specifically allowed by state law. Any portion of existing rules or policies that exceed specific federal requirements is automatically superseded by the federal requirements.
- Applies similar language found in **HF 2433** concerning deferred judgments to the Racing and Gaming Commission.
- Directs the Legislative Council, in consultation with the Department of Natural Resources (DNR), to establish a study to analyze the projected financial effects of current and proposed United States Environmental Protection Agency (EPA) regulations and DNR rules on Iowa cities over a ten-year period, and to issue a report to the Governor and General Assembly by June 30, 2013.

**Fiscal Impact**

- Agencies typically allow the submission of comments concerning administrative rules via electronic means or could adjust their processes to do so at minimal cost. Some agencies currently hold public input meetings in locations across the state, particularly when an issue may be deemed controversial. Under **H-8171**, it is assumed agencies would hold public hearings using the ICN when practicable, and it is anticipated that there will only be a few times each year that a group of 25 persons or more from one city or county will request that a hearing be held locally, thus producing minimal fiscal impact.
- Referring to specific Iowa Code sections and including reasons for and against proposed and adopted rules will produce no fiscal impact.

- Most agencies currently have sections of their website dedicated to the administrative rules process. Agencies may need to update, improve, or consolidate sections of their websites to comply with this amendment.
- Narrow construction of administrative rules is expected to produce minimal fiscal impact.
- Adding deferred judgment language to licensure actions of the Racing and Gaming Commission is expected to have minimal fiscal impact.
- The fiscal impact to conduct the study of EPA and DNR regulations is unknown but expected to have minimal fiscal impact.
- It is difficult for agencies to determine the exact number of rules and policies impacted by the proposed restriction from implementing rules that exceed the federal rules, regulations, and policies they implement. However, information provided by agencies allows for the identification of categories of potential fiscal impact. These categories include but may not be limited to:

#### ***Administrative Rulemaking Process***

The Administrative Rules Review Committee (ARRC) may need to take action to determine a uniform process for agencies to follow when reviewing existing and proposed rules for compliance with minimum federal requirements, especially when the federal requirements are broad, permissive, or otherwise vague. While [H-8171](#) states that existing rules that exceed federal requirements are automatically superseded by the federal requirements, a formal review of existing agency rules for this potential conflict will ensure that rules are being consistently applied to all impacted entities.

#### ***Changes to Existing Benefits, Funding Distribution Formulas, and Fines/Penalties***

Some agencies implement federal programs that allow broad agency discretion or optional methods of implementation. Under [H-8171](#), these instances would require the General Assembly to determine the course of action. For programs such as Medicaid, the General Assembly would witness a significant increase in necessary legislative action to keep the program running, including but not limited to rate setting, diagnosis and procedure code changes, waiver programs that are not specified in federal policy, requirements to provide services deemed necessary but not expressly stated in federal or state law, and other examples where the State is provided broad authority to implement the program.

Another example may include federal funding programs that do not require a local match but the State agency has included a local match requirement in an effort to distribute funds more widely. Without express permission from the General Assembly, such action would not be allowed. There may also be instances when the State may experience a decrease in revenue due to a reduction or elimination of fees or penalties associated with rules that are no longer enforceable.

In the instances noted above, the costs to the State and other entities may be reduced as optional programming may not be implemented; however, costs may also be incurred as decision-making timelines may be extended and funding opportunities may be lost during the Legislative interim. The amendment does not preclude the General Assembly from taking actions to provide permission to State entities to continue specified benefits or services that exceed federal requirements, or to enact a process to manage instances when federal time limitations may not permit a department to receive permission from the General Assembly during the Legislative interim to implement a rule or policy. If enacted, the General Assembly may wish to receive a list and description of any anticipated permissive actions needed during the Legislative interim and ensure that necessary precautions are in place to avoid potentially costly delays or missed funding opportunities.

### ***Vague or Broad Federal Authority***

Interpretation when federal law provides only vague or broad authority may result in a greater number of appeals or court action. In such instances, it is conceivable that private or other governmental entities may believe that a State agency is exceeding its authority or, conversely, entities may believe a State agency can regulate, fund, or monitor a program or service beyond actions specified in agency rules or policy. While difficult to estimate, appeals and legal challenges have the potential to be costly to the State.

### ***Agency Review and Compliance***

Agencies will need to dedicate staff time to the review of existing rules to ensure compliance with this amendment and to implement any processes determined by the ARRC. Staff time may be significant for agencies that implement a large volume of rules, such as the Department of Human Services (DHS), and will include program administrators, managers, and administrative rules authors and reviewers. It is difficult to estimate the staff hours that may need to temporarily shift from other duties or contract/hire for this purpose. There is a potential for long-term savings resulting from decreased staff time necessary to write, review, and implement rules that are no longer permitted under this amendment. One-time software programming costs for financial accounting changes are expected.

### ***Local Governments***

While difficult to estimate, there may be instances when local governments experience cost savings as a result of this amendment, such as in the area of environmental or historic preservation rules and policies.

## **Summary of Fiscal Impact**

Iowa Code changes concerning additional public input in the administrative rulemaking process, changes to administrative rules preambles, agency administrative rules internet sites, narrow construction of administrative rules, clarifications to licensure actions by the Racing and Gaming Commission, and the EPA and DNR regulations study are expected to have no or minimal fiscal impact.

The administrative rules restrictions related to the implementation of federal rules, regulations, and policies will impact all State agencies, but the fiscal impact to the State General Fund cannot be determined. Agencies that experience a large volume of rule writing and changes on a regular basis, such as DHS, will be impacted the most. All agencies will need to devote staff resources to ensure existing rules are in compliance with this amendment. The General Assembly is likely to experience an increase in legislative action necessary to expressly authorize implementation of broad or vague federal authority, and to make decisions on optional programming. Delays in decision making may have a significant impact on program funding. Interpretations of broad or vague federal authorization may result in an increase in potentially costly appeals and litigation. There may be cost savings to State and local governments depending on how the amendment ultimately impacts rules promulgated by the departments. The potential savings are indeterminate.

### **Sources**

Department of Education  
Department of Human Services  
Iowa League of Cities  
Iowa Utilities Board – Department of Commerce  
LSA Analysis

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March 13, 2012

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Iowa Code **section [2.56](#)**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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